

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1350694-0

Total Deleted Page(s) = 146

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MESSAGE RELAY

REC-62-110004-02

Date 4/16/75

Transmit in ☒ Plaintext
☐ Code

Via Teletype the Attached

☐ Immediate☐ Urgent☒ Nitel

Message

From: Director, FBI

To: SACs:

To: Legats:

To: RUEADWW/ ☐ The President☐ The Vice President☐ White House Situation Room☐ Attn:☐ Attn:RUEBWJA/ ☐ Attorney General☐ Deputy Attorney General☐ Attn: Analysis and Evaluation UnitRUEBWJA/ ☐ Assistant Attorney General, Civil Rights DivisionRUEBWJA/ ☐ Assistant Attorney General, Criminal Division☐ Attn: Internal Security Section ☐ Attn: General Crimes SectionRUEABND/ ☐ Drug Enforcement AdministrationRUEANAT/ ☐ National Aeronautics & Space Adm.RUEBWJA/ ☐ Immigration and Naturalization ServiceRUEOIAA/ ☐ National Security AgencyRUEBWJA/ ☐ U. S. Marshal's ServiceRUEBDUA/ ☐ Department of the Air Force (AFOSI)RUEOLKN/ ☐ Naval Investigative ServiceRUEACSI/ ☐ Department of the ArmyRUEAUSA/ ☐ U. S. Postal Service (if Classified)
(Use RUEVDFS if Unclassified)RUEAIIA/ ☐ Director, ☐RUEHSE/ ☒ U. S. Secret Service (PID)RUEBJGA/ ☐ Commandant, U. S. Coast GuardRUEHOC/ ☐ Secretary of StateRUEKJCS/ ☐ Director, Defense Intelligence AgencyRUEBJGA/ ☐ Department of Transportation
Attn: Director of SecurityRHEGGTN/ ☐ Energy Research and Development
AdministrationRUEOGBA/ ☐ Federal Aviation Administration

Assoc. Dir. _____

Dep. AD Adm. _____

Dep. AD Inv. _____

Asst. Dir.:

Admin. _____

Comp. Syst. _____

Ext. Affairs _____

Files & Com. _____

Gen. Inv. _____

Ident. _____

Inspection _____

Intell. _____

Laboratory _____

Legal Coun. _____

Plan. & Eval. _____

Spec. Inv. _____

Training _____

Telephone Rm. _____

Director Sec'y _____

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

APR 16 1975

TELETYPE

Classification:

☐ Top Secret☐ Secret☐ Confidential☒ Unclassified

Subject (Text begins next page)

CONGRESSMAN DELBERT L. LATTI, FIFTH DISTRICT OF OHIO; MISCELLANEOUS
INFORMATION CONCERNING.

APR 25 1975 TELETYPE UNIT

Foreign Liaison Unit

☐ Route through for review☐ Cleared telephonically

with _____

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~~SECRET~~ ~~NO CIRCULATION~~

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

Date: 4-25-75

PLAINTEXT 1-1575

(Type in plaintext or code)

TELETYPE

Transmit the following in _____

VIA TELETYPE

FILE

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Dep. Asst. Dir. _____
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Asst. Dir. _____
Adm. _____
Comp. _____
Ext. _____
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Ident. _____
Insp. _____
Int. _____
Lab. _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

TO DIRECTOR, FBI

FROM CLEVELAND (62-10000)(P)

~~CONFIDENTIAL DELBERT L. LATTA, 11TH DISTRICT OF OHIO,~~

~~INVESTIGATIVE INFORMATION COUNCIL~~
FBI CLEVELAND FURNISHED THE FOLLOWING INFORMATION:

ON APRIL 12, 1975, CONGRESSMAN DELBERT L. LATTA, RESIDENCE
BOWLINE GREEN, OHIO, ADVISED THAT ABOUT ONE WEEK AGO, A MATTER
WAS BROUGHT TO HIS ATTENTION BY [REDACTED]
WITH REGARD TO ALLEGED UNFAIR LABOR PRACTICES ON THE PART OF
[REDACTED] EMPLOYER, A [REDACTED]

[REDACTED] SPOKE WITH HIM ON THE TELEPHONE AND LATER VISITED HIS
HOUSE WITH A WRITTEN REPORT OF HIS GRIEVANCES. LATTA STATED
THE MATTER APPEARED TO WARRANT FILING A COMPLAINT WITH ^{NATIONAL LABOR} ~~BOARD AND~~
TOLD [REDACTED] HE WOULD HANDLE THIS. LATTA HAS RECEIVED SEVERAL
TELEPHONE CALLS FROM [REDACTED] WHEREIN [REDACTED] INDICATED DIS-
SATISFACTION WITH PROGRESS BEING MADE IN THIS MATTER AND
STATED HE WOULD TAKE MATTERS INTO HIS OWN HANDS. [REDACTED] WAS
VERY HOSTILE AND ANTAGONISTIC, WHICH CAUSED SOME ALARM TO
LATTA. [REDACTED] MADE NO THREATS, HOWEVER, LATTA FEELS HE MIGHT
BE VIOLENCE PRONE AND FELT MATTER SHOULD BE BROUGHT TO THE
ATTENTION OF THE FBI.

RELATIONS

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FBI

Date:

Transmit the following in _____

(Type in plaintext or code)

Via _____

(Priority)

PAGE TWO

OF 02-PAG

EFFORTS TO REACH [REDACTED] APRIL 12, 1975 UNSUCCESSFUL.

[REDACTED] NOT KNOWN TO LOCAL AUTHORITIES, DEFIANCE, OHIO, AND
WAS DETERMINED MOVED TO [REDACTED]ON APRIL 14, 1975, [REDACTED] INTERVIEWED
FBI
BY AGENTS AND FOLLOWING INFORMATION FURNISHED BY [REDACTED]HE IS AGE [REDACTED] TWO
YEARS AGO, AFTER [REDACTED][REDACTED] SUBSEQUENTLY, HE
[REDACTED] AND
UNTIL RECENTLY, WAS GIVEN SUFFICIENT WORK BY [REDACTED] TO EARN
A GOOD INCOME. IN JULY, 1974, [REDACTED][REDACTED]
CONSEQUENTLY, HE AND [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED][REDACTED] DECIDED TO SEEK SERVICES OF CONGRESSMAN LATTA
AND ON APRIL 4, 1975, TELEPHONED LATTA'S RESIDENCE AND
DISCUSSED THE PROBLEM. LATTA REQUESTED HE REDUCE COMPLAINT
TO WRITING AND RETURN IT TO HIM. ON APRIL 6, 1975, HEb6
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NLRB grievance

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Date:

Transmit the following in _____

(Type in plaintext or code)

Via _____

(Priority)

~~NAME HERE~~ ~~OF OFFICE~~

DELIVERED WRITTEN REPORT TO LATTA IN BOWLING GREEN. LATTA ASSURED HIM HE WOULD TAKE CARE OF THE MATTER AND TOLD HIM NOT TO WORRY ABOUT IT. ON APRIL 8, 1975, HE TELEPHONED LATTA AT HIS WASHINGTON, D.C. OFFICE, INQUIRING WHAT ACTION HAD BEEN TAKEN. LATTA, AT FIRST, SEEMED NOT TO RECALL [] NAME NOR CIRCUMSTANCES OF COMPLAINT, WHICH UPSET [] AND CAUSED HIM TO DOUBT LATTA WAS SERIOUSLY ATTEMPTING TO ASSIST HIM. LATTA AGAIN STATED HE WAS HANDLING THE MATTER.

BECAUSE THE SITUATION APPEARED TO WORSEN, HE AGAIN TELEPHONED LATTA AT HIS RESIDENCE ON APRIL 11, 1975 AND INFORMED HIM OF THE LATEST DEVELOPMENTS AND INQUIRED WHAT LATTA HAD ACCOMPLISHED FOR HIM. THEIR CONVERSATION WAS HEATED AT TIMES, AND [] ADMITTEDLY ACCUSED LATTA OF NOT ACTING PROMPTLY. HE TOLD LATTA HE WOULD TAKE HIS STORY TO THE NEWS MEDIA AND MENTION LATTA'S LACK OF ATTENTION TO HIS COMPLAINT. HE ALSO TOLD LATTA HE WOULD REMEMBER "ALL LATTA HAD DONE FOR HIM AND HIS WIFE'S TROUBLES" NEXT VOTING TIME."

[] ADMITTED PROBABLY BEING UNDULY FORCEFUL IN HIS REMARKS TO LATTA AND REALIZES HE MADE SOME UNFAIR STATEMENTS AND ACCUSATIONS. HE STATED HE WOULD NOT CONSIDER USING

FBI

Date:

Transmit the following in _____

(Type in plaintext or code)

Via _____

(Priority)

~~FIVE FOUR~~ ~~CV 02-NEW~~

PHYSICAL FORCE OR OTHER VIOLENT ACTS AGAINST LATTA OR ANYONE ELSE.

[] IS DESCRIBED AS A WHITE MALE, BORN []

[] 5'11", 170 POUNDS, BROWN HAIR AND EYES, SSAN []

ADDRESS []

AUSA, TOLEDO, OHIO, ON APRIL 14, 1975, ADVISED FACTS OF THIS MATTER DO NOT CONSTITUTE A VIOLATION AND PROSECUTIVE ACTION NOT WARRANTED. ~~THE ABOVE BEING~~

~~BE BROUGHT TO BUREAU'S ATTENTION~~
~~IN CASE OF ANY INQUIRY.~~

~~END~~

END

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UNITED STATES GOVERNMENT

Memorandum

TO : ~~Mr. Gebhardt~~

DATE: May 19, 1975

FROM : J. E. O'Connell

SUBJECT:

PLAINTIFF VS DELBERT LATTA;

SA [] AND SA []

[] AND U. S. OF AMERICA;

CIVIL SUIT

OO: CLEVELAND

- 1 - Mr. Adams
- 1 - Mr. Gebhardt
- 1 - Mr. O'Connell
- 1 - Mr. Gow
- 1 - Mr. Mintz
- 1 - []

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____ b6
Laboratory _____ b7C
Legal Coun. _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

This matter originated from alleged threats made telephonically by plaintiff [] against Congressman Latta (Republican - Ohio) in April, 1975. Investigation was instituted as a potential violation of the Congressional Assassination Statute and Extortion.

[] had been having difficulty in his [] and Congressman Latta during previous communication with [] allegedly had offered assistance. [] was displeased with the results and during subsequent calls to Latta's office engaged in heated conversation. During investigation, [] admitted making calls but stated he intended no actual harm. The matter was presented to Assistant U. S. Attorney (AUSA) Toledo, Ohio, who advised that the facts fail to establish any Federal violation.

[] has now filed a Civil Suit against Latta and SAs involved in the investigation and in essence alleges his rights under the First and Fourteenth Amendments have been interfered with in that Congressman Latta's actions in utilizing the FBI were meant to curtail his right to petition the Government. He claims that utilization of the FBI is meant to harass him. [] seeking damages totaling \$115,000.

Office of Legal Counsel is handling this latter aspect coordinating with the Department of Justice and a motion to dismiss the case is to be filed in the near future.

ACTION:

For information.

JKH:wss
(7) wss

56 JUL 03 1975
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MCT-37

N 62 - 116604

5 JUN 5 1975

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62-116604-2

ENCLOSURE

Assistant Attorney General
Civil Division

NOTE: This civil action was filed in the U.S.D.C., N.D. Ohio, on April 22, 1975, and names as defendants SAs [redacted] and [redacted] and U. S. Congressman Delbert Latta of Ohio. The plaintiff alleges that the contact with him by the FBI Agents was intended to, and resulted in his being denied his right to petition the Government for redress of grievances, as guaranteed by the U. S. Constitution, as he was intimidated and afraid to recontact his Congressman. The plaintiff seeks injunctive relief to prevent the SAs from harassing him by further contacts and requests the court to order expungement of all FBI records relating to the incident. Additionally, he seeks compensatory damages in the amount of \$15,000 and punitive damages in the amount of \$100,000. The Department anticipates filing a motion to dismiss in the near future. On 5/21/75, a litigation report in this matter was furnished to the Department.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

William S. Jordan,

Plaintiff

vs.

Civil No. C 75-166

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Delbert Latta, individually :
and in his official capacity :
as a United States Congressman; :
[redacted] individually and :
in his official capacity as an :
agent for the Federal Bureau :
of Investigation; [redacted] :
individually and in his official :
capacity as an agent for the :
Federal Bureau of Investigation :
and the United States of America

AFFIDAVIT OF SPECIAL AGENT
[redacted] FBI

Defendants.

STATE OF OHIO

ss:

LUCAS COUNTY

The undersigned being duly sworn deposes and says:

1. The affiant has read and is familiar with the allegations in the complaint of William S. Jordan filed with the United States District Court, Northern District of Ohio, Western Division, on April 22, 1975, naming affiant as a defendant.
2. Affiant is employed as a Special Agent of the Federal Bureau of Investigation at Toledo, Ohio, and was so employed during April, 1975, and as such, conducted investigations in Toledo, Ohio, and in adjacent counties, including Paulding County, Ohio.
3. On the morning of April 14, 1975, affiant was called into the office of his immediate supervisor, Senior Resident Agent John J. Brennan, Toledo, Ohio, who advised affiant he had been in contact with Congressman Delbert Latta on Saturday, April 12, 1975, in response to Mr. Latta's telephone call to the Cleveland Office of the FBI on that date. Affiant was told by Brennan

that Congressman Latta informed him, Brennan, that during the period April 4, 1975 through April 11, 1975 he had had several telephone conversations and a personal visit from Bill Jordan of Defiance, Ohio, who requested Latta's assistance with regard to a dispute he Jordan, was having with his employer, a trucking company in Detroit, Michigan. Agent Brennan stated to affiant that Latta further informed him, Brennan, that Jordan had expressed dissatisfaction with his, Latta's, handling of the matter, became very hostile and antagonistic in his comments to him, and threatened to take matters into his own hands. Agent Brennan directed affiant to immediately interview Jordan, and thereafter inform Assistant United States Attorney [redacted] of the results.

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4. Affiant, as a Special Agent of the Federal Bureau of Investigation, along with Special Agent [redacted] Federal Bureau of Investigation, contacted Mr. Jordan at his, Jordan's home at Cecil, Ohio, Paulding County, on April 14, 1975, this contact being made to determine if Mr. Jordan had or was, contemplating a violation of Title 18, Sections 1951, 351, United States Code.

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5. Affiant interviewed William Jordan in the presence of Jordan's father, Garner (Jack) Jordan, on April 14, 1975, and William Jordan advised affiant as follows: He is currently employed as an independent trucker for Central Transport, Detroit, Michigan. He is 23 years of age, recently married, and heavily indebted. In about July, 1974, his employer instituted so-called "economic measures," which directly affected him, Jordan, and the other independent truckers whose rigs were leased to Central Transport, by substantially reducing his income. Jordan considered this action unjust and possibly illegal, and as a result he filed a grievance against his employer. He was subsequently informed that possibly Congressman Delbert Latta could be of assistance to him in this matter. Affiant states Jordan said for that reason he telephoned Latta's Bowling Green, Ohio, residence on Friday, April 4, 1975, and discussed his problem with Latta,

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who asked that he, Mr. Jordan, reduce the matter to writing and bring it to him at his home when completed. Jordan further told affiant the following: On Sunday, April 6, 1975 he, Jordan, delivered the written report to Latta and was told by Latta that he, Latta, would look into the matter. On Tuesday, April 8, 1975 he telephoned Latta at Latta's Washington, D. C. office, inquiring as to what action had been taken in the matter to date. Latta initially was not familiar with Jordan's name or the complaint and this upset Jordan, suggesting to him that Latta was not seriously attempting to assist him. Latta did, however, recall the matter and told Jordan that he still was making inquiries into the matter. On Friday, April 11, 1975 Jordan telephoned Latta at Latta's Bowling Green, Ohio residence, informing Latta that his situation with his employer had worsened to the point where he considered himself "all but fired." Also at this time Jordan asked Latta what the status was of the matter. Mr. Jordan said the conversation between the two of them became "heated" because he felt Latta was not doing all he could for him, and he, Jordan, remarked to Latta that he would alert the news media of the situation and Latta's failure to give his problem the proper attention it deserved, and too, would remember "all that the Congressman had done for him and his fellow truckers" when it came time to vote again. Mr. Jordan stated to affiant that in retrospect he probably was unduly forceful in his plea to Congressman Latta and now realizes that he did make some unfair statements and accusations to him. Mr. Jordan added, however, that this approach by him was because of his "state of desperation," fearing financial ruin if quick and corrective action was not forthcoming. Jordan stated to affiant that he, Jordan, had not and would not entertain the thought of using any physical force or other violent acts against Congressman Latta or anyone else to accomplish the results he hopes for.

6. Affiant states this interview with Mr. Jordan was based on information received that Jordan was involved in a dispute with his employer, a common carrier involved in interstate commerce, and had stated, among other statements, to Congressman Delbert Latta, that if he, Mr. Jordan, could not obtain

immediate satisfaction of his objectives he would take matters into his own hands. Affiant states that based on Mr. Jordan's statements to Congressman Latta, that affiant had good cause to and did reasonably believe that Mr. Jordan was contemplating violence and had acted in such manner that threats or violence could reasonably be expected.

7. Affiant further states in the interview with Mr. Jordan concerning this matter, which affiant estimates took approximately fifteen minutes, no statement was made to Jordan that Congressman Latta had alleged that he, Jordan, had put any undue pressure on him.

8. Affiant denies that any of his actions in this matter were prompted in any way because of any "undue pressure" as alleged by Mr. Jordan and states this inquiry was made to determine if a violation of federal law had been or was about to be committed. Affiant states he was in the presence of Mr. Jordan for approximately one hour on April 14, 1975; however, approximately the last forty-five minutes of this period of time was devoted to listening to Mr. Jordan complaining about his labor union and working conditions.

9. Affiant specifically denies that he indicated in any way to Mr. Jordan that his difficulties should be kept quiet or from the press or that he in any manner attempted to deny Mr. Jordan his right to contact anyone.

10. Affiant specifically denies that he was in possession of any information that would indicate that Congressman Latta had alleged that Mr. Jordan had exercised any undue pressure or that Congressman Latta had, in any way, attempted to deny to Mr. Jordan his right to petition his government.

11. Affiant states that following the interview of Mr. Jordan, affiant contacted Assistant United States Attorney [redacted], Toledo, Ohio, on April 14, 1975, and informed him of the results of affiant's interview with Mr. Jordan. [redacted] advised affiant it was his opinion that based on the facts of the matter no prosecutable violation exists. Affiant states that after receiving the opinion of the Assistant United States Attorney [redacted] investigation in this matter was immediately terminated and no further inquiries relating to it were made by affiant or anyone else to the best of affiant's knowledge.


12. In regard to the interview of Mr. William Jordan, affiant states this interview was entirely routine in nature and affiant did not in any way threaten, intimidate or coerce Mr. Jordan. This interview was in accordance with normal investigative procedures in such matters. Affiant noted nothing in the attitude or demeanor of Mr. Jordan which would indicate he was upset in any way regarding this interview. Affiant also denies that any of his actions caused any harm to Mr. Jordan and further denies that Mr. Jordan is being denied his right to contact his United States Congressman. Affiant specifically denies that any of his actions were harassment of Mr. Jordan and further denies any intention of harassment in the past, present or future.

13. Affiant specifically denies that his contact with Mr. Jordan on April 14, 1975 was in violation of Mr. Jordan's right to petition his government.

14. Affiant denies any damages to Mr. Jordan and specifically denies damages exceeding \$10,000 were caused to Mr. Jordan.

15. Affiant hereby states that his contact with Mr. Jordan was in accordance with his duties and within the scope of his employment as a Special Agent of the Federal Bureau of Investigation and was caused by his duty to determine if Mr. Jordan was in violation of federal law.

16. Affiant states that all of his actions in connection with Mr. Jordan were based upon reasonable grounds and good faith and that all of his actions were reasonable.


Special Agent,
Federal Bureau of Investigation

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Sworn to and subscribed before me on this 20th day of May 1975, at
Toledo, Ohio.


Notary Public, Lucas County, Ohio

Elizabeth H. Baran-Comm. Expires 4-4-79

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

William S. Jordan,

Plaintiff

vs.

Civil No. C 75-166

Delbert Latta, individually :
and in his official capacity :
as a United States Congressman;

[redacted] individually and :
in his official capacity as an :
agent for the Federal Bureau :
of Investigation; [redacted] :
individually and in his official :
capacity as an agent for the :
Federal Bureau of Investigation :
and the United States of America

AFFIDAVIT OF SPECIAL AGENT
[redacted] FBI

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b7c

Defendants.

STATE OF OHIO

ss:

LUCAS COUNTY

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who asked that he, Mr. Jordan, reduce the matter to writing and bring it to him at his home when completed. Jordan further told affiant the following: On Sunday, April 6, 1975 he, Jordan, delivered the written report to Latta and was told by Latta that he, Latta, would look into the matter. On Tuesday, April 8, 1975 he telephoned Latta at Latta's Washington, D. C. office, inquiring as to what action had been taken in the matter to date. Latta initially was not familiar with Jordan's name or the complaint and this upset Jordan, suggesting to him that Latta was not seriously attempting to assist him. Latta did, however, recall the matter and told Jordan that he still was making inquiries into the matter. On Friday, April 11, 1975 Jordan telephoned Latta at Latta's Bowling Green, Ohio residence, informing Latta that his situation with his employer had worsened to the point where he considered himself "all but fired." Also at this time Jordan asked Latta what the status was of the matter. Mr. Jordan said the conversation between the two of them became "heated" because he felt Latta was not doing all he could for him, and he, Jordan, remarked to Latta that he would alert the news media of the situation and Latta's failure to give his problem the proper attention it deserved, and too, would remember "all that the Congressman had done for him and his fellow truckers" when it came time to vote again. Mr. Jordan stated to affiant that in retrospect he probably was unduly forceful in his plea to Congressman Latta and now realizes that he did make some unfair statements and accusations to him. Mr. Jordan added, however, that this approach by him was because of his "state of desperation," fearing financial ruin if quick and corrective action was not forthcoming. Jordan stated to affiant that he, Jordan, had not and would not entertain the thought of using any physical force or other violent acts against Congressman Latta or anyone else to accomplish the results he hopes for.

6. Affiant states this interview with Mr. Jordan was based on information received that Jordan was involved in a dispute with his employer, a common carrier involved in interstate commerce, and had stated, among other statements, to Congressman Delbert Latta, that if he, Mr. Jordan, could not obtain

immediate satisfaction of his objectives he would take matters into his own hands. Affiant states that based on Mr. Jordan's statements to Congressman Latta, that affiant had good cause to and did reasonably believe that Mr. Jordan was contemplating violence and had acted in such manner that threats or violence could reasonably be expected.

7. Affiant further states in the interview with Mr. Jordan concerning this matter, which affiant estimates took approximately fifteen minutes, no statement was made to Jordan that Congressman Latta had alleged that he, Jordan, had put any undue pressure on him.

8. Affiant denies that any of his actions in this matter were prompted in any way because of any "undue pressure" as alleged by Mr. Jordan and states this inquiry was made to determine if a violation of federal law had been or was about to be committed. Affiant states he was in the presence of Mr. Jordan for approximately one hour on April 14, 1975; however, approximately the last forty-five minutes of this period of time was devoted to listening to Mr. Jordan complaining about his labor union and working conditions.

9. Affiant specifically denies that he indicated in any way to Mr. Jordan that his difficulties should be kept quiet or from the press or that he in any manner attempted to deny Mr. Jordan his right to contact anyone.

10. Affiant specifically denies that he was in possession of any information that would indicate that Congressman Latta had alleged that Mr. Jordan had exercised any undue pressure or that Congressman Latta had, in any way, attempted to deny to Mr. Jordan his right to petition his government.

11. Affiant states that following the interview of Mr. Jordan, affiant contacted Assistant United States Attorney [redacted] Toledo, Ohio, on April 14, 1975, and informed him of the results of affiant's interview with Mr. Jordan. [redacted] advised affiant it was his opinion that based on the facts of the matter no prosecutable violation exists. Affiant states that after receiving the opinion of the Assistant United States Attorney [redacted] investigation in this matter was immediately terminated and no further inquiries relating to it were made by affiant or anyone else to the best of affiant's knowledge.

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12. In regard to the interview of Mr. William Jordan, affiant states this interview was entirely routine in nature and affiant did not in any way threaten, intimidate or coerce Mr. Jordan. This interview was in accordance with normal investigative procedures in such matters. Affiant noted nothing in the attitude or demeanor of Mr. Jordan which would indicate he was upset in any way regarding this interview. Affiant also denies that any of his actions caused any harm to Mr. Jordan and further denies that Mr. Jordan is being denied his right to contact his United States Congressman. Affiant specifically denies that any of his actions were harassment of Mr. Jordan and further denies any intention of harassment in the past, present or future.

13. Affiant specifically denies that his contact with Mr. Jordan on April 14, 1975 was in violation of Mr. Jordan's right to petition his government.

14. Affiant denies any damages to Mr. Jordan and specifically denies damages exceeding \$10,000 were caused to Mr. Jordan.

15. Affiant hereby states that his contact with Mr. Jordan was in accordance with his duties and within the scope of his employment as a Special Agent of the Federal Bureau of Investigation and was caused by his duty to determine if Mr. Jordan was in violation of federal law.

16. Affiant states that all of his actions in connection with Mr. Jordan were based upon reasonable grounds and good faith and that all of his actions were reasonable.

[Redacted]
[Redacted] Special Agent,
Federal Bureau of Investigation

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Sworn to and subscribed before me on this 20th day of May 1975, at
Toledo, Ohio.

Elizabeth H. Baran
Notary Public, Lucas County, Ohio

Elizabeth H. Baran-Comm. Expires 4-4-79

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assigned to the Toledo Office of the Federal Bureau of Investigation contact him.

4. Congressman Latta was contacted that date by affiant at which time Mr. Latta provided the following information: A constituent of his, one Bill Jordan, Defiance, Ohio, phone number 782-4363, had originally contacted him a week or so ago concerning a dispute between Jordan and his employer, a trucking company based in Michigan. Jordan had advised the Congressman that he and several other drivers from the Defiance, Ohio area were alleging certain unfair labor practices on the part of their employer and Jordan had sought his, Latta's, help. Congressman Latta advised affiant it was his recollection that a new contract was being negotiated or an existing contract was being modified and the company allegedly was exerting pressure on the drivers in an effort to have them accept the contract. Congressman Latta told affiant that he listened to Mr. Jordan's recitation of the allegations and then suggested to him that he prepare a written report of the entire affair and deliver it to his, Latta's, home in Bowling Green, Ohio, which report was delivered to Congressman Latta's residence about a week ago by Jordan, and, after examining it, he told Jordan that the matter should be brought to the attention of the National Labor Relations Board (NLRB) and he indicated to Jordan that he would handle this upon his return to Washington, D.C. Affiant was further advised by Congressman Latta this was the only personal contact he had with Mr. Jordan; however, there have been several phone calls from Mr. Jordan to Congressman Latta in the week of April 5 - 12, 1975; further, that Mr. Jordan in the phone calls to him indicated he was extremely dissatisfied with the progress being made in this matter and that he expected Congressman Latta to have achieved some type of results in this period of time.

Congressman Latta further told affiant Mr. Jordan appeared to be hostile and antagonistic in his comments toward him and he recalled a comment by Jordan that he "was going to take matters into his own hands." Congressman Latta said he did not know what Jordan meant by this but it did give him some cause for concern since violence against the trucking company might be implied or violence against him might also be implied since Jordan was extremely unhappy with Latta's efforts. Congressman Latta said there were no direct threats, as such, made against him by Jordan; however, he did feel that this matter should be brought to the attention of the Federal Bureau of Investigation. Affiant states that Congressman Latta did not request the Federal Bureau of Investigation to interview Mr. Jordan, nor did he indicate in any fashion any desire to have the Federal Bureau of Investigation coerce, harass, or intimidate Mr. Jordan in any way.

5. On April 12, 1975 Assistant United States Attorney

[redacted] Toledo, Ohio, was contacted by affiant and he was apprised of the above facts. [redacted] told affiant he felt Jordan should be interviewed concerning this entire affair in view of his comment that he "was going to take matters into his own hands," and an elaboration or clarification of this remark be secured. He asked that he be re-contacted with the results of the interview with Jordan.

6. Because of the serious nature of this matter and the fact that Jordan had mentioned "taking matters into his own hands," which, in affiant's experience indicated possible violence directed toward either Jordan's employer and/or Congressman Latta, affiant dispatched two Special Agents to interview Mr. Jordan.

7. Affiant on April 14, 1975 requested Special Agents [redacted]
[redacted] to interview Mr. Jordan in order

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(4)

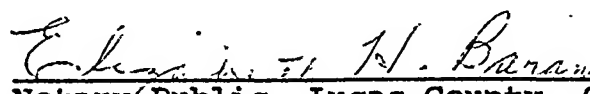
to resolve if there was in fact a threat to the personal safety of Mr. Latta and to determine if Jordan contemplated violence, or threats of violence, in his dispute with his employer.

8. Affiant has read the affidavits of Special Agents
 and is aware of their statements in these affidavits. Affiant states that the acts of these agents are within the scope of their employment and were conducted in the discharge of their official duties as Special Agents of the Federal Bureau of Investigation.

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John J. Brennan, Special Agent,
Federal Bureau of Investigation

Sworn to and subscribed before me on this 20th day of
May, 1975, at Toledo, Ohio.


Notary Public, Lucas County, Ohio
Elizabeth H. Baran
My Commission Expires April 4, 1979

Assistant Attorney General
Civil Division

May 21, 1975

Director, FBI

REC-31 62-116604-3
EX 103

- 1 - Mr. Gebhardt
(att. W. D. Gow)
- 2 - Mr. Mintz
- 1 - [redacted]

[redacted] v.
DELBERT LATTI, et al.
(U.S.D.C., N.D. OHIO)
CIVIL ACTION NO. C 75 - 166

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C This will confirm the conversations between Messrs. [redacted] and [redacted] of your Division and Special Agent [redacted] of our Legal Counsel Division regarding this suit. [redacted] has orally furnished the factual background of this matter to [redacted] and advised him that the two Special Agents who are defendants in this case desire to be represented by the Department.

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Special Agents [redacted] and [redacted] were served copies of the summons and complaint in this matter on April 22, 1975, at Toledo, Ohio.

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Enclosed are the originals of letters from Special Agents [redacted] and [redacted] directed to the Attorney General formally requesting representation by the Department. Also enclosed for your assistance is a letterhead memorandum captioned with the full title of this suit, dated May 6, 1975, at Cleveland, Ohio, setting forth the background of this matter.

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From my review of the facts and the actions of the Special Agent defendants in this matter, it is apparent that they were acting within the scope of their duties as Special Agents of the FBI and I therefore recommend the Department afford them representation in this case.

Assoc. Dir. [redacted] Affidavits of the Special Agent defendants and their immediate supervisor are being prepared and will be furnished separately.

Dep. AD Adm. [redacted]
Dep. AD Inv. [redacted]
Asst. Dir.: [redacted]
Admin. [redacted]
Comp. Syst. [redacted]
Ext. Affairs [redacted]
Files & Com. [redacted]
Gen. Inv. [redacted]
Ident. [redacted]
Inspection [redacted]
Intell. [redacted]
Laboratory [redacted]
Plan. & Eval. [redacted]
Spec. Inv. [redacted]
Training [redacted]
Legal Coun. [redacted]
Telephone Rm. [redacted]
Director Sec'y [redacted]

Cleveland (62-2373)
(Bufile 62-New)

NOTE: (See note last page)

MAIL ROOM ☒ TELETYPE UNIT ☐

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Assistant Attorney General
Civil Division

it becomes necessary to respond to the complaint in detail, we suggest the following answers, numbered to correspond with the paragraphs of the complaint, be entered on behalf of the Special Agent defendants:

1.) The Federal defendants deny the allegations of this paragraph inasmuch as the complaint fails to state a cause of action upon which relief can be granted.

2.) The Federal defendants, upon information and belief, admit the allegations in this paragraph.

3.) The Federal defendants, upon information and belief, admit the allegations in this paragraph.

4.) The Federal defendants admit the allegations in this paragraph.

5.) The Federal defendants admit the allegation in this paragraph.

6 - 11.) The Federal defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of these paragraphs.

12.) The Federal defendants admit the allegations in this paragraph except to deny that they advised plaintiff that he had "put undue pressure on Defendant Latta."

13.) The Federal defendants deny the allegation in this paragraph.

14.) The Federal defendants, upon information and belief, admit the allegations in the first sentence of this paragraph. The Federal defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegation in the second sentence of this paragraph.

15.) This paragraph states a conclusion of law and requires no answer.

16.) The Federal defendants, upon information and belief, deny the allegations in this paragraph.

17.) The Federal defendants, upon information and belief, deny the allegations in this paragraph.

Assistant Attorney General
Civil Division

18.) The Federal defendants deny the allegations in this paragraph.

19.) The Federal defendants deny the allegation in this paragraph.

The remaining paragraphs pray for relief and require no answers.

Enclosures (3)

NOTE: This Civil Action was filed in the U.S.D.C., N.D. Ohio on April 22, 1975, and names as defendants Special Agents (SAs) [redacted] and [redacted] and United States Congressman Delbert Latta of Ohio. The plaintiff alleges that the contact with him by the FBI agents was intended to, and resulted in his being denied his right to petition the Government for redress of grievances, as guaranteed by the United States Constitution, as he was intimidated and afraid to recontact his Congressman. The plaintiff seeks injunctive relief to prevent the SAs from harassing him by further contacts and requests the court to order expungement of all FBI records relating to the incident. Additionally, he seeks compensatory damages in the amount of \$15,000, and punitive damages in the amount of \$100,000. As indicated in the above memorandum, the Department anticipates filing a motion to dismiss in the near future.

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United States District Court

FOR THE

FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

CIVIL ACTION FILE NO. _____

William S. Jordan

C 75-166

JUDGE DON J. YOUNG

Plaintiff

SUMMONS

Delbert Latta, individually and in his
official capacity as a United States
Congressman; [redacted] individually and
in his official capacity as an agent for
the Federal Bureau of Investigation;
[redacted] individually and in his of-
ficial capacity as an agent for the
Federal Bureau of Investigation and
United States of America Defendants

To the above named Defendant :

United States of America

You are hereby summoned and required to serve upon Ted Iorio

plaintiff's attorney , whose address 3161 N. Republic Boulevard
Toledo, Ohio 43615

an answer to the complaint which is herewith served upon you, within _____ days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be
taken against you for the relief demanded in the complaint.

Mark Schlachet, Clerk

Clerk of Court.

Deputy Clerk.

Deputy Clerk.

Date: APR 22 1975

[Seal of Court]

NOTE: This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

I hereby certify that a copy of this summons has been served on the

party of

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RECEIVED ON APR 23 1975

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memo to AAG
5/21/75 JED:mc

RETURN ON SERVICE OF WRIT

I hereby certify and return, that on the

day of

19

I received this summons and served it together with the complaint herein as follows:

Date: May 1952

[Seal of Court]

Deputy Clerk

Clerk of Court

taken against you for the relief demanded in the complaint.

MARSHAL'S FEES

Travel Service

United States Marshal.

By Deputy United States Marshal.

Subscribed and sworn to before me, a this day of May 1952

[SEAL]

Note:—Affidavit required only if service is made by a person other than a United States Marshal or his Deputy.

UNITED STATES OF AMERICA

No. _____

United States District Court
FOR THE
Northern District of Ohio
Western Division

William S. Jordan

Delbert Latta, et al.

SUMMONS IN CIVIL ACTION

Returnable not later than _____ days after service.

Red Iorio Attorney for Plaintiff

FPLM-9-7-72-300M-8105

CIVIL ACTION FILE NO.

62-116647-29 ENCLOSURE

FOR THE

UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT

IN THE FEDERAL DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

William S. Jordan
R. R. 1
Box 13
Cecil, Ohio

Plaintiff

-vs-

Delbert Latta, individually
and in his official capa-
city as a United States
Congressman
516 Hillcrest
Bowling Green, Ohio

and

[redacted] individually
and in his official capa-
city as an agent for the
Federal Bureau of Investi-
gation
1716 Speilbusch Avenue
Toledo, Ohio 43624

and

[redacted] individually
and in his official capa-
city as an agent for the
Federal Bureau of Investi-
gation
1716 Speilbusch Avenue
Toledo, Ohio 43624

and

United States of America

Defendants

C 75-166

JUDGE DON J. YOUNG

FILED
APR 22 11 22 AM '75
CLERK U.S. DIST. COURT OF OHIO
NORTHERN DISTRICT OF OHIO

Civil Action No. _____

Judge _____

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C O M P L A I N T

JURISDICTION

1. Jurisdiction is premised upon 28 U.S.C. 1346; 28 U.S.C. 1343; 28 U.S.C. 1331; 28 U.S.C. 1361 and Plaintiff seeks relief pursuant to 28 U.S.C. 2201; Rule 65 of the Federal Rules of Civil Procedure and the First and Fourteenth Amendments to the Constitution.

PARTIES

2. Plaintiff, William S. Jordan, is a resident of Paulding County, Ohio residing at R. R. 1, Box 13, Cecil, Ohio within the Fifth (5th) Congressional District and is a citizen of the United States.

3. Defendant Delbert Latta is the U. S. Congressman for the Fifth (5th) Congressional District and is a resident of Wood County, Ohio and is a citizen of the United States.

4. Defendant [] and Defendant [] work for the Federal Bureau of Investigation (FBI), United States Department of Justice, and work in the Toledo, Ohio office.

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5. Defendant United States of America (USA) is the government of the United States of America.

FACTS

6. Plaintiff is an International Brotherhood of

Teamsters member employed by Central Transport as a truck driver operating from the company premises located at R. R. 6, Defiance, Ohio.

7. As a result of a labor dispute between Central Transport and Plaintiff concerning wages, hours and working conditions, a grievance was filed by Plaintiff with Central Transport on or about March 15, 1975.

8. On or about April 4, 1975 Plaintiff telephoned Defendant Latta at his home in Bowling Green, Ohio to discuss the grievance and attending problems evolving from the grievance with Central Transport. The conversation lasted approximately fifteen (15) minutes. Plaintiff called Defendant Latta to seek his assistance and intervention in the dispute between Plaintiff and Central Transport.

9. On or about April 6, 1975 Plaintiff brought certain documents to Defendant Latta's home as requested by Defendant Latta in their prior telephone conversation of April 4, 1975.

10. On or about April 8, 1975 Plaintiff telephoned Defendant Latta at his home to inform him of the continuing escalation and problems surrounding the grievance and again asked Defendant Latta for assistance in his capacity as a U. S. Congressman. Defendant Latta initially could not recall who the Plaintiff was and then

indicated to him that he had prepared a letter to Plaintiff outlining what Plaintiff could do.

11. On or about April 11, 1975 Plaintiff telephoned Defendant Latta at his home inquiring about the letter that Defendant Latta said he had prepared and Plaintiff again asked Defendant Latta for assistance. Defendant Latta indicated he could not help the Plaintiff, but that he had prepared a letter regarding the problem. After Defendant Latta indicated he could not help, Plaintiff stated to Defendant Latta that he would remember how to vote the next time and Defendant Latta said that is fine; you vote any way you want. The conversation terminated at that time.

12. On or about April 14, 1975 Defendant [] and Defendant [] called the Plaintiff and informed him that they wanted to speak to him. Defendants [] and [] met Plaintiff at the driveway of his residence on April 14, 1975 at which time they informed Plaintiff that Defendant Latta filed a complaint with the FBI against Plaintiff because Plaintiff had allegedly put undue pressure on Defendant Latta. Defendants [] and [] stated that Defendant Latta did indicate that no threat was made on his life by Plaintiff, but that Plaintiff had put undue pressure on Defendant Latta.

13. After a conversation of approximately one hour

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with Defendants [] and []

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said agents indicated to Plaintiff that the whole episode should be kept quiet and from the press.

14. Plaintiff is a United States citizen and a voting resident of the Fifth (5th) United States Congressional District. He contacted a United States Congressman in order to petition his government for redress of grievances.

15. Plaintiff's appeal to Defendant Latta, his Congressman, for assistance and intervention is a protected right guaranteed by the First and Fourteenth Amendments.

16. Defendant Latta's actions in utilizing the FBI was meant to curtail the Plaintiff's rights to petition government.

17. Plaintiff at no time threatened or put undue pressure on Defendant Latta in his conversations with Defendant Latta, and the utilization of the FBI by Defendant Latta is meant to harass Plaintiff because of Plaintiff's exercise of his right to petition government.

18. Defendant Latta and Defendants [] and [] actions have resulted in irreparable harm to Plaintiff and leaves him without an adequate remedy at law since he is being denied the right to contact his United States Congressman or else

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suffer the harassment of FBI investigations.

19. The case and controversy exceeds \$10,000.00 in damages.

RELIEF

20. That a declaratory judgment issue declaring the following:

(a) that Plaintiff as a citizen of the United States has a right as guaranteed by the Constitution to petition his Congressman;

(b) that Defendant Latta's action in reporting Plaintiff to the FBI was violative of Plaintiff's rights as guaranteed by the Constitution;

(c) that the Defendants [] and [] investigation of the Plaintiff because of his contact with Defendant Latta was violative of Plaintiff's unencumbered right to petition government.

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21. That a preliminary and permanent injunction issue:

(a) requiring the Defendants [] and [] to expunge any and all FBI records pertaining to Plaintiff as a result of Defendant Latta's charges;

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(b) enjoining the Defendants [] and [] from harassing the Plaintiff

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by visitation to home, place of work or anywhere else because of Plaintiff's exercise of his right to petition government or as a result of this lawsuit.

22. That a writ of mandamus issue against Defendant Latta compelling Defendant Latta to do the following:

(a) carry out and perform his functions as a United States Congressman in a manner so as not to deny Plaintiff his right to petition government;

(b) to refrain from filing charges with the FBI regarding Plaintiff because Plaintiff seeks to petition government through Defendant Latta;

(c) to fulfill those duties owed Plaintiff by Defendant Latta in his capacity as a United States Congressman; particularly to permit Plaintiff to seek a redress of his grievance and the right to petition government through Defendant Latta without becoming subject to FBI or any other governmental investigation.

23. That compensatory damages in the amount of \$15,000.00 be awarded Plaintiff.

24. That punitive damages in the amount of \$100,000.00 be awarded Plaintiff.

25. That reasonable attorney fees be awarded.

26. For any and all other relief the court deems appropriate.

Respectfully submitted,

Ted Iorio
Ted Iorio

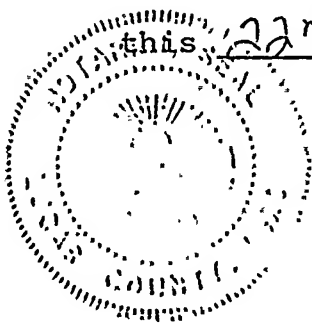
VERIFICATION

I, William S. Jordan, do hereby state that I have
read the foregoing complaint and the facts and statements
contained therein are true as I verily believe.

William S. Jordan
William S. Jordan

Sworn to and subscribed before me in my presence,

this 22nd day of April, 1975.



Jacqueline A. Wages
Notary Public

JACQUELINE A. WAGES
Notary Public, Lucas County, Ohio
My Commission Expires March 10, 1976

Dep. AD

Dep. AD Inv.

Asst. Dir.:

Admin.

Comp. Syst.

Ext. Affairs

Files & Com.

Gen. Inv.

Ident.

Inspection

Intell.

Laboratory

Plan. & Eval.

Spec. Inv.

Training

Legal Coun.

Telephone Rm.

Director Sec'y

United States District Court

FOR THE

FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

CIVIL ACTION FILE NO. _____

William S. Jordan

C 75-166

JUDGE DON J. YOUNG

SUMMONS

COPY

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Plaintiff

SUMMONS IN

Returnable not later than

after service.

FOR THE
United States District Court
Northern District of Ohio
Western Division
Plaintiff
v.
Defendants
In his official capacity as a United States Congressman; [redacted] individually and in his official capacity as an agent for the Federal Bureau of Investigation; [redacted] individually and in his official capacity Defendant for the Federal Bureau of Investigation and

To the above named Defendant(s) and Defendants

~~in his official capacity as an agent for the FBI~~

You are hereby summoned and required to serve upon

Yed Iorio

Note:—Affidavit required only if service is made by a person other than a United States Marshal or his Deputy.

[SEVT]

of plaintiff's attorney, whose address

3161 N. Republic Boulevard

Subscribed and sworn to before me, Toledo, Ohio 43615 this

Deputy United States Marshal

SERVICE
Listed

an answer to the complaint which is herewith served upon you, within 60 days after service of this

summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Mark Schlachet, Clerk

Clerk of Court.

Eileen M. Sheahan

Deputy Clerk.

Date: APR 22 1975

[Seal of Court]

Note:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure. I received this summons and served it together with the complaint herein as follows:

I hereby certify and return that on the

day of

10

RETURN ON SERVICE OF MAIL

IN THE FEDERAL DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

William S. Jordan
R. R. 1
Box 13
Cecil, Ohio

Plaintiff

-vs-

Delbert Latta, individually
and in his official capacity as a United States
Congressman
516 Hillcrest
Bowling Green, Ohio

and

individually
and in his official capacity as an agent for the
Federal Bureau of Investigation
1716 Speilbusch Avenue
Toledo, Ohio 43624

and

individually
and in his official capacity as an agent for the
Federal Bureau of Investigation
1716 Speilbusch Avenue
Toledo, Ohio 43624

and

United States of America

Defendants

C 75-166

JUDGE DON J. YOUNG

Civil Action No. _____

Judge _____

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C O M P L A I N T

JURISDICTION

1. Jurisdiction is premised upon 28 U.S.C. 1346; 28 U.S.C. 1343; 28 U.S.C. 1331; 28 U.S.C. 1361 and Plaintiff seeks relief pursuant to 28 U.S.C. 2201; Rule 65 of the Federal Rules of Civil Procedure and the First and Fourteenth Amendments to the Constitution.

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3. Defendant Delbert Latta is the U. S. Congressman for the Fifth (5th) Congressional District and is a resident of Wood County, Ohio and is a citizen of the United States.

4. Defendant [] and Defendant [] work for the Federal Bureau of Investigation (FBI), United States Department of Justice, and work in the Toledo, Ohio office.

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5. Defendant United States of America (USA) is the government of the United States of America.

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6. Plaintiff is an International Brotherhood of

Teamsters member employed by Central Transport as a truck driver operating from the company premises located at R. R. 6, Defiance, Ohio.

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10. On or about April 8, 1975 Plaintiff telephoned Defendant Latta at his home to inform him of the continuing escalation and problems surrounding the grievance and again asked Defendant Latta for assistance in his capacity as a U. S. Congressman. Defendant Latta initially could not recall who the Plaintiff was and then

indicated to him that he had prepared a letter to Plaintiff outlining what Plaintiff could do.

11. On or about April 11, 1975 Plaintiff telephoned Defendant Latta at his home inquiring about the letter that Defendant Latta said he had prepared and Plaintiff again asked Defendant Latta for assistance. Defendant Latta indicated he could not help the Plaintiff, but that he had prepared a letter regarding the problem. After Defendant Latta indicated he could not help, Plaintiff stated to Defendant Latta that he would remember how to vote the next time and Defendant Latta said that is fine; you vote any way you want. The conversation terminated at that time.

12. On or about April 14, 1975 Defendant [redacted] and Defendant [redacted] called the Plaintiff and informed him that they wanted to speak to him. Defendants [redacted] and [redacted] met Plaintiff at the driveway of his residence on April 14, 1975 at which time they informed Plaintiff that Defendant Latta filed a complaint with the FBI against Plaintiff because Plaintiff had allegedly put undue pressure on Defendant Latta. Defendants [redacted] and [redacted] stated that Defendant Latta did indicate that no threat was made on his life by Plaintiff, but that Plaintiff had put undue pressure on Defendant Latta.

13. After a conversation of approximately one hour

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with Defendants [] and []

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said agents indicated to Plaintiff that the whole episode should be kept quiet and from the press.

14. Plaintiff is a United States citizen and a voting resident of the Fifth (5th) United States Congressional District. He contacted a United States Congressman in order to petition his government for redress of grievances.

15. Plaintiff's appeal to Defendant Latta, his Congressman, for assistance and intervention is a protected right guaranteed by the First and Fourteenth Amendments.

16. Defendant Latta's actions in utilizing the FBI was meant to curtail the Plaintiff's rights to petition government.

17. Plaintiff at no time threatened or put undue pressure on Defendant Latta in his conversations with Defendant Latta, and the utilization of the FBI by Defendant Latta is meant to harass Plaintiff because of Plaintiff's exercise of his right to petition government.

18. Defendant Latta and Defendants [] and

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[] actions have resulted in irreparable harm to Plaintiff and leaves him without an adequate remedy at law since he is being denied the right to contact his United States Congressman or else

suffer the harassment of FBI investigations.

19. The case and controversy exceeds \$10,000.00 in damages.

RELIEF

20. That a declaratory judgment issue declaring the following:

(a) that Plaintiff as a citizen of the United States has a right as guaranteed by the Constitution to petition his Congressman;

(b) that Defendant Latta's action in reporting Plaintiff to the FBI was violative of Plaintiff's rights as guaranteed by the Constitution;

(c) that the Defendants [redacted] and [redacted] investigation of the Plaintiff because of his contact with Defendant Latta was violative of Plaintiff's unencumbered right to petition government.

21. That a preliminary and permanent injunction is-sue:

(a) requiring the Defendants [redacted] and [redacted] to expunge any and all FBI records pertaining to Plaintiff as a result of Defendant Latta's charges;

(b) enjoining the Defendants [redacted] and [redacted] from harassing the Plaintiff

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by visitation to home, place of work or anywhere else because of Plaintiff's exercise of his right to petition government or as a result of this lawsuit.

22. That a writ of mandamus issue against Defendant Latta compelling Defendant Latta to do the following:

(a) carry out and perform his functions as a United States Congressman in a manner so as not to deny Plaintiff his right to petition government;

(b) to refrain from filing charges with the FBI regarding Plaintiff because Plaintiff seeks to petition government through Defendant Latta;

(c) to fulfill those duties owed Plaintiff by Defendant Latta in his capacity as a United States Congressman; particularly to permit Plaintiff to seek a redress of his grievance and the right to petition government through Defendant Latta without becoming subject to FBI or any other governmental investigation.

23. That compensatory damages in the amount of \$15,000.00 be awarded Plaintiff.

24. That punitive damages in the amount of \$100,000.00 be awarded Plaintiff.

25. That reasonable attorney fees be awarded.

26. For any and all other relief the court deems appropriate.

Respectfully submitted,

Ted Iorio

Ted Iorio

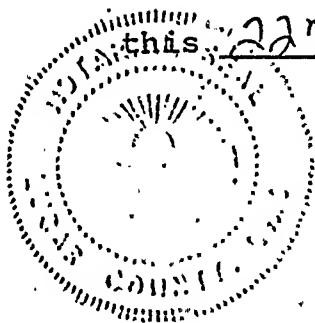
VERIFICATION

I, William S. Jordan, do hereby state that I have read the foregoing complaint and the facts and statements contained therein are true as I verily believe.

William S. Jordan
William S. Jordan

Sworn to and subscribed before me in my presence,

this 22nd day of April, 1975.



Jacqueline A. Wages
Notary Public

JACQUELINE A. WAGES
Notary Public, Lucas County, Ohio
My Commission Expires March 10, 1976

"TREAT AS ORIGINAL"

TO: DIRECTOR, FBI

FROM: SAC, CLEVELAND (62-2373)

Assoc. Dir.	_____
Dep.-A.D.-Adm.	_____
Dep.-A.D.-Inv.	_____
Asst. Dir.:	
Admin.	_____
Comp. S.st.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

ATTENTION: SA [redacted]

OFFICE OF

FEDERAL BUREAU OF INVESTIGATION
LEGAL COUNSEL
COMMUNICATIONS SECTION

Subject: WILLIAM S. JORDAN,
Plaintiff

MAY 19 1975

TELETYPE

VS

DELBERT LATTA;
SA [redacted]

CIVIL SUIT, Docket # C 75-166

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4261-5
Asst. Dir.
RE

Re Bureau telephone call to Toledo RA, 5/19/75.

Attached are amended paragraphs to be included in the affidavits of SAS [redacted] and [redacted] Toledo RA.

Also being submitted via telecopier is the proposed affidavit of SRA JOHN J. BRENNAN, Toledo RA

[redacted]

JM

Legal Counsel
JAM/BS

EX-112

REC-36

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5 APR 7 1976

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ENCLOSURE

TELETYPE

[Handwritten signature]

209

56 APR 21 1976



ENCLOSURE

62-116604-3X

William S. Jordan,

Plaintiff

vs.

Delbert Latta, individually
and in his official capacity
as a United States Congressman;
[redacted], individually and
in his official capacity as an
agent for the Federal Bureau of
Investigation; [redacted]
individually and in his official
capacity as an agent for the
Federal Bureau of Investigation;
and United States of America

Docket No. C 75-166

AFFIDAVIT OF SPECIAL
AGENT JOHN J. BRENNAN,
FBI

Defendants

State of Ohio)

Lucas County)

ss:

The undersigned being duly sworn deposes and says:

1. The affiant has read and is familiar with the allegations in the complaint of William S. Jordan, filed with the United States District Court, Northern District of Ohio, Western Division, on April 22, 1975, naming Special Agents [redacted] as defendants.

2. Affiant is employed as a Special Agent of the Federal Bureau of Investigation at Toledo, Ohio, and was so employed during April, 1975, and as such, supervised investigations in the Toledo, Ohio, area and adjacent counties, including Paulding County, Ohio, in affiant's capacity as Senior Resident Agent of the Toledo Resident Agency.

3. On April 12, 1975 affiant was advised by the Cleveland Office of the Federal Bureau of Investigation via telephone that Congressman Delbert Latta, 5th District, Bowling Green, Ohio, had that date contacted the Cleveland Office of the Federal Bureau of Investigation and had asked that an agent

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assigned to the Toledo Office of the Federal Bureau of Investigation contact him.

4. Congressman Latta was contacted that date by affiant at which time Mr. Latta provided the following information: A constituent of his, one Bill Jordan, Defiance, Ohio, phone number 782-4363, had originally contacted him a week or so ago concerning a dispute between Jordan and his employer, a trucking company based in Michigan. Jordan had advised the Congressman that he and several other drivers from the Defiance, Ohio area were alleging certain unfair labor practices on the part of their employer and Jordan had sought his, Latta's, help. Congressman Latta advised affiant it was his recollection that a new contract was being negotiated or an existing contract was being modified and the company allegedly was exerting pressure on the drivers in an effort to have them accept the contract. Congressman Latta told affiant that he listened to Mr. Jordan's recitation of the allegations and then suggested to him that he prepare a written report of the entire affair and deliver it to his, Latta's, home in Bowling Green, Ohio, which report was delivered to Congressman Latta's residence about a week ago by Jordan, and, after examining it, he told Jordan that the matter should be brought to the attention of the National Labor Relations Board (NLRB) and he indicated to Jordan that he would handle this upon his return to Washington, D.C. Affiant was further advised by Congressman Latta this was the only personal contact he had with Mr. Jordan; however, there have been several phone calls from Mr. Jordan to Congressman Latta in the week of April 5 - 12,

dictated he was extremely dissatisfied with the progress being made in this matter and that he expected Congressman Latta to have achieved some type of results in this period of time.

Congressman Latta further told affiant Mr. Jordan appeared to be hostile and antagonistic in his comments toward him and he recalled a comment by Jordan that he "was going to take matters into his own hands." Congressman Latta said he did not know what Jordan meant by this but it did give him some cause for concern since violence against the trucking company might be implied or violence against him might also be implied since Jordan was extremely unhappy with Latta's efforts. Congressman Latta said there were no direct threats, as such, made against him by Jordan; however, he did feel that this matter should be brought to the attention of the Federal Bureau of Investigation.

5. On April 12, 1975 Assistant United States Attorney

[redacted] Toledo, Ohio, was contacted by affiant and he was apprised of the above facts. [redacted] told affiant he felt Jordan should be interviewed concerning this entire affair in view of his comment that he "was going to take matters into his own hands," and an elaboration or clarification of this remark be secured. He asked that he be re-contacted with the results of the interview with Jordan.

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6. Because of the serious nature of this matter and the fact that Jordan had mentioned "taking matters into his own hands," which, in affiant's experience indicated possible violence directed toward either Jordan's employer and/or Congressman Latta, affiant dispatched two Special Agents to interview Mr. Jordan.

7. Affiant on April 14, 1975 requested Special Agents [redacted]

[redacted] to interview Mr. Jordan in order

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to resolve if there was in fact a threat to the personal safety of Mr. Latta and to determine if Jordan contemplated violence, or threats of violence, in his dispute with his employer.

8. Affiant has read the affidavits of Special Agents [redacted]

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[redacted] and is aware of their statements in these affidavits. Affiant states that the acts of these agents are within the scope of their employment and were conducted in the discharge of their official duties as Special Agents of the Federal Bureau of Investigation.

John J. Brennan, Special Agent,
Federal Bureau of Investigation

Sworn to and subscribed before me on this day of
May, 1975, at Toledo, Ohio.

Notary Public, Lucas County, Ohio

2 A. On the morning of April 14, 1975 affiant was called into the office of his immediate supervisor, Senior Resident Agent John J. Brennan, Toledo, Ohio, who advised affiant he had been in contact with Congressman Delbert Latta on Saturday, April 12, 1975, in response to Mr. Latta's telephone call to the Cleveland Office of the FBI on that date. Affiant was told by Brennan that Congressman Latta informed him, Brennan, that during the period April 4, 1975 through April 11, 1975 he had had several telephone conversations and a personal visit from Bill Jordan of Defiance, Ohio, who requested Latta's assistance with regard to a dispute he Jordan, was having with his employer, a trucking company in Detroit, Michigan. Agent Brennan stated to affiant that Latta further informed him, Brennan, that Jordan had expressed dissatisfaction with his, Latta's handling of the matter, became very hostile and antagonistic in his comments to him, and threatened to take matters into his own hands. Agent Brennan directed affiant to immediately interview Jordan, and thereafter inform Assistant United States Attorney Patrick J. Foley of the results.

3A. Affiant interviewed William Jordan in the presence of Jordan's father, Garner (Jack) Jordan, on April 14, 1975, and Jordan advised affiant as follows: He is currently employed as an independent trucker for Central Transport, Detroit, Michigan. He is 23 years of age, recently married, and heavily indebted. In about July, 1974 his employer instituted so-called "economic measures", which directly affected him, Jordan, and the other independent truckers whose rigs were leased to Central Transport, by substantially reducing his income. Jordan considered this action unjust and possibly illegal, and as a result he filed a grievance against his employer. He was subsequently informed that possibly Congressman Delbert Latta could be of assistance to him in this matter. Affiant states Jordan said for that reason he telephoned Latta's Bowling Green, Ohio residence on Friday, April 4, 1975 and discussed his problem with Latta, who asked that he, Jordan, reduce the matter to writing and bring it to him at his home when completed. Jordan further told affiant the following: On Sunday, April 6, 1975 he, Jordan, delivered the written report to Latta and was told by Latta that he, Latta, would look into the matter. On Tuesday, April 8, 1975 he telephoned Latta at Latta's Washington, D.C. office, inquiring as to what action had been

taken in the matter to date. Latta initially was not familiar with Jordan's name or the complaint and this upset Jordan, suggesting to him that Latta was not seriously attempting to assist him. Latta did, however, recall the matter and told Jordan that he still was making inquiries into the matter. On Friday, April 11, 1975 Jordan telephoned Latta at Latta's Bowling Green, Ohio residence, informing Latta that his situation with his employer had worsened to the point where he considered himself "all but fired". Also at this time Jordan asked Latta what the status was of the matter. The conversation between the two of them became "heated" because he felt Latta was not doing all he could for him, and he, Jordan, remarked to Latta that he would alert the news media of the situation and Latta's failure to give his problem the proper attention it deserved, and too, would remember "all that the Congressman had done for him and his fellow truckers" when it came time to vote again. Jordan stated to affiant that in retrospect he probably was unduly forceful in his plea to Latta and now realizes that he did make some unfair statements and accusations to him. Jordan added, however, that this approach by him was because of his "state of desperation", fearing financial ruin if quick and correction action was not forthcoming. Jordan con- to affiant that he, Jordan, had not and would not entertain the thought of using any physical force or other violent acts against Latta or anyone else to accomplish the results he hopes for.

9A. Affiant states that following the interview of plaintiff, affiant contacted Assistant United States Attorney [redacted] Toledo, Ohio, on April 14, 1975.

and informed him of the results of affiant's interview with plaintiff Jordan. [redacted] advised affiant it was his opinion that based on the facts of the matter no prosecutable violation exists.

9B. Affiant states that after receiving the prosecutive opinion of the Assistant United States Attorney [redacted] investigation in this matter was immediately terminated and no further inquiries relating to it were made by affiant or anyone else to the best of affiant's knowledge.

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MAY 19 5 17 PM '75

RECEIVED
TELETYPE UNIT

UNITED STATES GOVERNMENT

Memorandum

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TO : Mr. Gebhardt

DATE: 6/29/75

FROM :

SUBJECT: SCHEDULED MEETING OF
DIRECTOR KELLEY WITH
ATTORNEY GENERAL LEVI ON
JUNE 30, 1975, AT 1:30 P.M.

1 - [redacted]
1 - Mr. Adams
1 - Mr. Gebhardt
1 - [redacted]
1 - [redacted]
1 - Mr. Mintz
1 - [redacted]

Inspection - b6
Intell. - b7C
Laboratory
Legal Coun.
Plan. & Eval.
Spec. Inv.
Training
Telephone Rm.
Director Sec'y

One of the anticipated topics of discussion at above meeting relates to recent comments of Congressmen John J. Rhodes (R-Arizona), and Delbert Latta (R-Ohio), regarding actions taken by the FBI in interviewing constituents of the Congressmen after the Congressmen or their representatives had referred to the FBI matters relating to the actions of the constituents.

Attached are copies of [redacted] to Mr. Gebhardt memorandum of 5/28/75, and letter to the Attorney General of 5/28/75, captioned "Congressional Inquiries and Related Matters" which contain background concerning this situation.

We received a memorandum from the Attorney General dated 5/30/75, which implied that we should adopt a policy of notifying Congressmen prior to conducting interviews of individuals who have made threats against them. A reply was made on 6/6/75, in which we took a stand against such notifications as a general policy.

It was pointed out to the Attorney General that it has long been our understanding that in the absence of some indication to the contrary, a Congressman, in referring these matters to us, expected that appropriate investigation would be instituted, including interview of any subject identified. Such cases usually involve criminal violations, whether prosecuted or not. Due to their nature, it is necessary these type cases be resolved as quickly as possible. In many cases, interviews are necessary to positively identify the subject and obtain information necessary to secure a prosecutive opinion. Additionally, an interview might be instrumental in deterring the subject from committing any action in furtherance of his threats. As Congressmen are not always immediately available because of travel or other things, unnecessary delay could be encountered in making such notifications.

Enclosures 2

56 AUG 05 1975
WEN/brb (8)

NOT RECORDED

102 AUG 1 1975

CONTINUED - OVER

ORIGINAL FILED IN 66-3012-2100

Memorandum to Mr. Gebhardt
RE: SCHEDULED MEETING OF DIRECTOR KELLEY

In regard to these matters resulting in possible legal action, the Attorney General was assured that any interviews conducted by our Special Agents would be handled in a professional manner with due regard for the rights of all persons concerned. It was pointed out that the possibility of lawsuits is a necessary risk taken in any investigation.

The Attorney General was told that we would make prior notifications in any particular case where the facts indicate such would be advisable. He was additionally advised that as a matter of practice, our liaison keeps the Congressman advised in general terms of the results of particular investigations such as these.

Legal Counsel has advised the civil suit against Congressman Latta is still pending. We have submitted the litigation report to the Department and in the absence of further requests of the Department, there is no other action required of the Bureau at this time.

ACTION: It is recommended that this memorandum be made available to the Director prior to his meeting with the Attorney General on 6/30/75.

REG
/AC

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~~SECRET~~ 233.

ENCLOSURE

100-116604-4

A F F I D A V I T

Washington, D. C.

SS.

District of Columbia

I, Delbert L. Latta, being first duly sworn, depose and say that on or about April 4, 1975, I was called by a man I didn't know, never heard of, and who identified himself as a William Jordan of Defiance, Ohio. He stated that our Congressional office had done something to help his father some time back and now he wanted to get my help as his Congressman for the purpose of doing something for him. I indicated I'd be glad to help if I could but I would have to know something about the problem before I could say whether or not our office could be of assistance. He then related the following in a very disjointed, rambling, and sometimes highly emotional manner.

He stated that he was one of 20 or 25 truckers in the Defiance, Ohio, area who were being pressured through various methods by the Central Transport Company, a Michigan company, into changing their contracts with it and that these changes would mean considerably less money to the drivers and could even cost some of them their jobs. He said the drivers were being called into the office one by one and were being threatened in various ways if they didn't agree to the changes the company wanted. He mentioned that one trucker was called in and told he would lose over \$700 coming to him in vacation pay if he didn't agree to the changes. He mentioned that others were being told they would be based someplace in Michigan rather than in Defiance if they didn't agree to the changes. He said he had been advising the drivers not to agree to any changes when they were called in but some had been agreeing to them anyway. He said he knew he was being singled out by the company as a troublemaker for advising the drivers not to agree to the changes. He said he had not been called in himself but he knew he would be sooner or later and that he was already suffering a loss in earnings. He then became very upset and mentioned that when he got called in they would probably put some man

(whose name he mentioned but I do not remember) on him and he was supposed to have mafia connections. He said this man had a reputation for being rough and for using strong-arm tactics in getting his way. He said this couldn't happen to him as he needed all the income his contract called for as he was heavily in debt on his trucking equipment and needed this money to keep from losing it and his home. He said no one was going to force him to agree to a change in that contract and he would do everything he could to prevent it. He said he had contacted everyone he knew for help -- including his union representative in Lima, Ohio -- and no one was doing anything to help them. He said his union representative had passed him off by saying "he was trying to put him between the rock and the hard place". He said unless he got some help he was going to start writing letters to the papers and calling radio stations to let them know that everyone had refused to help. From time to time he would refer to various sections of their contract which he claimed the company was violating. After listening to his rambling for several minutes, I finally said I didn't know what I could do on the spur of the moment. He then got very angry and demanded that I do something. He said something to the effect that our office was his last hope for help and asked if I didn't care about their problem? I said I never said I didn't care about their problem only that I didn't know what I could do about them.

He said he had papers which would show that the company was violating the contract and that he wanted to show them to me. I said I'd be glad to take them back to Washington and have the staff check them out for possible action if he could get them to me at Bowling Green, Ohio. He said he would bring them over on Sunday. I instructed him how to find our home and told him to leave them in the mailbox if no one was home when he arrived.

On late Sunday afternoon, April 6, 1975, I was called to the front door of our home in Bowling Green, Ohio, and a man with a long beard and a mean look on his face, identified himself as Jordan. He stated that he had brought those papers over to me to take back to Washington on Monday and that he wanted something done. He said all he had been getting was the "run-around" while Central Transport was costing him his livelihood. Since he acted so

(whose name he mentioned but I do not remember) on him and he was supposed to have mafia connections. He said this man had a reputation for being rough and for using strong-arm tactics in getting his way. He said this couldn't happen to him as he needed all the income his contract called for as he was heavily in debt on his trucking equipment and needed this money to keep from losing it and his home. He said no one was going to force him to agree to a change in that contract and he would do everything he could to prevent it. He said he had contacted everyone he knew for help -- including his union representative in Lima, Ohio -- and no one was doing anything to help them. He said his union representative had passed him off by saying "he was trying to put him between the rock and the hard place". He said unless he got some help he was going to start writing letters to the papers and calling radio stations to let them know that everyone had refused to help. From time to time he would refer to various sections of their contract which he claimed the company was violating. After listening to his rambling for several minutes, I finally said I didn't know what I could do on the spur of the moment. He then got very angry and demanded that I do something. He said something to the effect that our office was his last hope for help and asked if I didn't care about their problem? I said I never said I didn't care about their problem only that I didn't know what I could do about them.

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On late Sunday afternoon, April 6, 1975, I was called to the front door of our home in Bowling Green, Ohio, and a man with a long beard and a mean look on his face, identified himself as Jordan. He stated that he had brought those papers over to me to take back to Washington on Monday and that he wanted something done. He said all he had been getting was the "run-around" while Central Transport was costing him his livelihood. Since he acted so

belligerent and nasty about it, I did not invite him into the house. I told him that I couldn't promise him anything but would be glad to have the matter investigated. He handed me an envelope -- which I did not open -- and closed the door.

Upon my return to the office on Monday morning, April 7, 1975, the day following Jordan's delivery of the papers to my home, I called in Vi Koerber, a member of my congressional staff whose duties are in the field of legislation, to discuss the truckers' problems. I pointed out that a company in Michigan was involved and since it was operating across state lines, federal laws or regulations were probably involved. I said the company could be violating N.L.R.B. regulations by the tactics charged to them and could or should be violating some criminal statutes if the allegations were true. After I had briefly summarized the charges being made by Jordan, I turned the matter over to her for investigation and any possible legislative action which might be found necessary. I heard no more from Vi Koerber until she brought in a letter addressed to Jordan she had prepared for my signature on late Thursday afternoon, April 10, 1975. The letter indicated that the matter had been taken up in Washington with the Assistant General Counsel for the Ohio area of N.L.R.B. and stated that due to the complexity of the case it was suggested that a formal charge be filed with the Regional Director of the N.L.R.B. in Cleveland. I signed the letter and returned to Bowling Green that night. A copy of the letter, which was read to Mr. Wilks of N.L.R.B., is attached.

I had a brief telephone call from Jordan after he delivered the papers to my home. He told me he had received his pay check and it was considerably less than he had been getting. He wanted me to tell him how he could possibly pay his bills and live on this kind of income. He said he was going to have another trucker call me to back up his charges against the company. He ended the conversation by again demanding that we do something about their problem.

I was next called between 7:00 and 8:00 P.M. while working in my Washington office by another man I did not know. He identified himself as one of the truckers Jordan had called about and that he wanted to confirm all that Jordan

had told me about the trouble they were having with Central Transport. I did not get this man's name but I have since been informed he was a Gene Crites of Ney, Ohio. This conversation was of short duration.

On Friday night, April 11, 1975, as our family was sitting down at the table for dinner, the phone rang and I was advised the call was for me. Jordan identified himself and in an angry and hostile manner stated that he had gotten a notice from the company to bring his rig in for a safety check and he knew what this meant. They would find something wrong with it and he would be out of a job; that he would then lose his rig and home because he couldn't make the payments; and that it was all our fault since I had failed to take care of his problem. I said, just a minute, I never told you our office would take care of your problem - I said we would check into it and we've been doing just that. I said as a matter of fact, I signed a letter to you last night outlining the procedure you should take to get action. You should file your charges with the N.L.R.B. He said he hadn't gotten the letter and doubted that I had sent one. He again made the charge that our failure to take care of the matter was going to cause him to lose everything he had. He said he was tired of getting the "run-around" from everyone. I said you haven't been getting the "run-around" from me as I turned the matter over to a member of my staff on Monday and an answer had been mailed to him on Thursday, which outlined the procedure to follow in order to get action. He said he was going to get action alright -- he was now going to take care of the matter his way. He said if I had taken care of their problem, he would not have to be going to have it out with that guy. (The "guy" he had reference to was the one he told me was supposed to have mafia connections and used the strong-arm tactics in dealing with people). I told him that he couldn't go up there and cause trouble -- he had to follow the law. He again repeated that "you've got to do something" as he knew what was going to happen if he went up there. I said we are doing all we can lawfully do at the moment. I said you certainly can't expect me to go up to Detroit and punch that guy in the nose, as everyone follows the law -- they don't take it into their own hands. He said that company was not following the law and it was getting by with it. He again repeated his charge that I was to blame for his present troubles since our

office had not taken care of their problems. He said he was tired of people giving him the "run-around", was now going to take care of the matter himself, and besides that he was not going to vote for me. I said, that's fine, you vote any way you like but you had better take my advice and follow the law. He said, don't worry, I'll take care of it and he hung up. All during this conversation, Jordan was extremely emotional and accusatory, angry and belligerent, sounded desperate, refused to accept my several admonitions to follow the law, and led me to believe he had concluded that the only recourse remaining to him was to take the law into his own hands. After I put down the receiver, I immediately commented on Jordan's state of mind to those seated around the table and said he was out to cause trouble.

This call bothered me the remainder of the evening and I slept very little during the night. I finally decided that since federal laws were involved and the matter had already been brought to the attention of the N.L.R.B. by our office, Jordan's demands, statements and present state of mind made it imperative that this entire matter involving the truckers' problems be brought to the attention of the F.B.I. as well. I called the Cleveland office of the F.B.I. the next morning around 7:30 A.M. and talked with a man by the name of [redacted]. He said he was not an agent and that I should call the Toledo office and give the information to them. He mentioned that they probably wouldn't be in the office at that hour. I waited until around 9:00 A.M. and called the Toledo office and talked with a [redacted]. [redacted] I briefed him on the problems the truckers were having with this Michigan firm, contacts with our office, Jordan's allegations concerning a certain individual having mafia connections, Jordan's irrational and emotional call of the night before, my repeated advice to him to follow the law, etc. During the conversation, [redacted] interrupted to ask, "Did he threaten your life?" I answered, "No." (Had he asked me if he had put the fear of God in me, I'd have answered in the affirmative.) Burman said he would call me back. A couple of hours later, he called me and said he had taken the matter up with the United States Attorney and they had decided to investigate.

The following Friday, April 18, 1975, I received a call from a man who identified himself as agent [redacted] of the F.B.I. He said they had investigated

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the matter and that they had talked with Jordan. He said they had difficulty locating him since he had moved from Defiance to Cecil, Ohio. He said they had first found him very upset and emotional. He was very disturbed over the prospects of losing his job as he was deeply in debt. [] said he thought they had succeeded in quieting him down and that he didn't think he would cause any trouble since they had talked with him. I thanked him and hung up. [] did not give me any further details on their investigation. Our conversation lasted only a couple of minutes.

I later learned that during the time Jordan was moving, the N.L.R.B. Assistant Counsel, Mr. Wilks, had been trying to locate him to emphasize the necessity for his following the course of action outlined in my April 10, 1975, letter but he did not succeed in talking with him. Mr. Wilks informed Kaye Burchell of our congressional staff that he had left word with another trucker's wife, Mrs. David Carr, for her husband to get a message to Jordan since he apparently didn't have a phone. Some time later, Mr. Wilks advised Kaye Burchell that he had talked with Mrs. Carr again and she had conveyed a message from her husband from Jordan that they "were taking care of the matter". Mr. Wilks informed Miss Burchell that he didn't know what was meant by this statement. After receiving this report from Mr. Wilks, a letter was sent to Jordan from our Washington office on April 21, 1975, outlining the contacts made by us in behalf of the truckers (which mentioned contacts with the N.L.R.B. and F.B.I.), Mr. Wilks' attempts to locate him, and Mrs. Carr's message that they "were taking care of the matter." I followed by saying that accordingly, I would close our files on the matter unless we heard from him to the contrary.

On April 26, 1975, I learned from a Toledo radio station that Jordan had filed suit.

During our investigation of this matter and through inquiries made by Vi Koerber, my legislative aide, with the Legislative Counsel of the House and the Minority Staff of the Education and Labor Committee, it was determined that additional penalties were needed where tactics such as those outlined by Jordan were used in attempting to change or modify an existing union contract. I instructed Vi Koerber to have appropriate legislation prepared.

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Appropriate legislation was drafted by a member of the Minority Staff of the Education and Labor Committee and was introduced by me on May 1, 1975, and is presently pending before the House Education and Labor Committee.

Affiant says he has read the complaint filed by William Jordan in the Federal District Court for the Northern District of Ohio, Western Division, and being case number C 75 - 166 and wishes to address himself to those paragraphs in said complaint which mentions affiant. Affiant says that any and all contacts by one William Jordan with him were made with him in his capacity as a United States Congressman only and that any and all actions taken by affiant as a result of said contacts were taken solely in his capacity as a United States Congressman.

Affiant says as to the allegations contained in Paragraph 8, that at no time did William Jordan ever request him to intervene in the alleged labor dispute between Plaintiff and Central Transport; that affiant, as an individual member of Congress, does not possess authority to intervene in and settle labor disputes; and had Plaintiff Jordan made such a request, affiant would have promptly notified him of such lack of authority.

Affiant says as to the allegations contained in Paragraph 10, that he could not have been telephoned by Plaintiff Jordan at his home on April 8, 1975 as alleged; that he was in Washington, D. C. on said date, attending to his Congressional duties; that he answered five separate roll calls in the House on said date and the same are duly recorded in the Congressional Record; that affiant did not know on April 8, 1975, that the April 10, 1975 letter was to be prepared for Jordan by a member of his staff as said staff member never discussed the case with affiant between April 6, 1975, and April 10, 1975; that said letter and its contents were unknown to affiant until presented to him for his signature on April 10, 1975, by a member of his staff; and as a consequence, affiant could not have informed Plaintiff Jordan of same on April 8, 1975, as alleged in said Paragraph 10.

Affiant says as to the allegations contained in Paragraph 11, that Plaintiff Jordan did not telephone affiant on April 11, 1975, to inquire "about the letter" as alleged in said paragraph, as Plaintiff Jordan did not

know of the existence of the April 10, 1975, letter until advised of same by affiant during the said April 11, 1975, telephone conversation; that the April 10, 1975, letter itself disputes Plaintiff Jordan's allegation that "Latta indicated he could not help the Plaintiff" as it outlines several courses of action to be followed under various circumstances in order to have the truckers' grievances properly and lawfully adjudicated.

Affiant says as to the allegations contained in Paragraph 12, that he never filed a complaint against Jordan with the F.B.I.; that in furtherance of his desire to be of all possible assistance to Jordan and the other truckers similarly situated, and after being put in great fear of what might happen after receiving the April 11, 1975, call from Jordan, a complete stranger, wherein he was highly emotional and accusatory, angry and belligerent, sounded desperate, refused to accept my several admonitions to follow the law, and led me to believe he had concluded that the only recourse remaining to him was to take the law into his own hands, he called the F. B. I. on early Saturday morning, April 12, 1975, and related the entire matter involving the truckers' continuing troubles with Central Transport and Plaintiff Jordan's calls to affiant to the Bureau for whatever action it deemed appropriate; that affiant was later informed by a person describing himself as agent Burman of the F. B. I. that, after consulting with the United States Attorney, they had decided to investigate the matter; that affiant did not participate in making this decision; was not contacted during any stage of the investigation which followed; had no control over it; knew nothing of its scope, who was doing the investigating or who was being interrogated; and had no knowledge of what was being asked or said during the interrogations which might have taken place.

Affiant further says as to the allegations contained in Paragraph 16, that his reason for bringing the entire matter involving the truckers' troubles and Jordan's calls to him to the attention of the F. B. I. was not to curtail Plaintiff's right to petition government as alleged but was in furtherance of the same; that Plaintiff Jordan had repeatedly insisted that affiant "do something" as his Congressman and since affiant had already

contacted the N. L. R. B. and believing that federal violations were occurring or were about to occur, affiant believed that the F. B. I. was the only federal agency remaining to which this entire matter could then be referred; that affiant's letter of April 10, 1975, to Plaintiff Jordan had outlined several courses of action to be followed under various circumstances by Jordan and other truckers in order to have their grievances properly and lawfully adjudicated; that affiant notified Plaintiff Jordan by letter of April 21, 1975, of the actions taken and of the contacts made with the N. L. R. B. and the F. B. I. in his effort "to be of all possible assistance in this matter"; that by reason of contacts made by affiant's congressional office with the N. L. R. B., counsel for the N. L. R. B. made several attempts to reach Plaintiff Jordan in order to advise him relative to the proper procedures to follow in filing his alleged grievance; and at no time has affiant or his congressional staff curtailed or attempted to curtail Plaintiff's right to petition government; that contrary to said allegations, affiant has pursued and continues to pursue a course of action designed to assist Jordan and others similarly situated by having prepared and introduced legislation, namely, House Resolution 6589, in the Congress of the United States to provide a penalty against an employer for using tactics allegedly used against Jordan and other truckers for the purpose of effecting a modification of an existing contract; that said legislation is presently pending in the House Education and Labor Committee, that affiant has requested a hearing on the same, and that he intends to pursue it; and that affiant has stood ready to assist Plaintiff Jordan and the other truckers in finding a legal and proper resolution to their problems.

Affiant further says as to the allegations contained in Paragraph 17, that all of the above parts of this affidavit totally and completely refute Plaintiff's allegation that "utilization of the F. B. I. by Defendant Latta" was meant to harass Plaintiff because of Plaintiff's exercise of his right to petition government and the affiant specifically denies the same; and that the fact that Jordan, a total stranger to affiant, was suddenly shifting the blame for his considerable troubles from the Central Transport Company to his Congressman because his office had not solved their trucking problems between

Monday and Friday, had told affiant he was "tired of getting the run-around"; had repeatedly demanded that affiant "do something", told affiant he knew what would happen when he faced the "guy" who was supposed to have mafia connections, had failed to acknowledge several admonitions by affiant to follow the law, had made repeated statements that he was now going to take care of the matter himself and led affiant to believe he was going to take the law into his own hands, had conversed with affiant on the evening of April 11, 1975, in an extremely emotional, accusatory, angry, and belligerent manner leading affiant to conclude that Jordan was desperate, instilled great fear in affiant and was just and ample reason in itself to cause the entire matter to be brought to the attention of the F. B. I. and was not violative of any of Plaintiff Jordan's rights. Affiant further says that Jordan at no time has been denied the right to contact his Congressman by affiant.

Further affiant saith not.

Delbert L. Latta

Sworn to and subscribed in my presence by Delbert L. Latta this
22nd day of May, A.D. 1975

Mary Curtis Bowman
(Notary Public)

My commission expires April 30, 1979

94TH CONGRESS
1ST SESSION

H. R. 6589

IN THE HOUSE OF REPRESENTATIVES

May 1, 1975
Mr. LATTA introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the National Labor Relations Act to provide that it shall be an unfair practice for an employer to coerce, harass, or threaten an employee or independent contractor with respect to any contract between such employee or independent contractor and such employer.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That section 8 (a) of the National Labor Relations Act is
- 4 amended by striking out the period at the end of clause (5)
- 5 and inserting in lieu thereof the following clause:
- 6 " (6) to coerce, harass, or threaten an employee or
- 7 independent contractor who is or is not a member of
- 8 a labor organization, with respect to any contract be-
- 9 tween such employee or independent contractor and such

1 employer for the purpose of effecting a modification of
2 such contract.”.

3 SEC. 2. The third sentence of section 10 (c) of such Act
4 is amended by inserting immediately before the period the
5 following: “*Provided further*, That where the Board deter-
6 mines that an employer has violated section 8 (a) (6), the
7 Board shall, in addition to any other affirmative action effec-
8 tuating the policies of the Act, assess a penalty of up to \$10,-
9 000 for each and every violation of section 8 (a) (6)”.

EXPLANATION

1. This bill amends the third sentence of section 10 (c) of the National Labor Relations Act, 49 Stat. 445, 29 U.S.C. 160 (c), to read: “Provided further, That where the Board determines that an employer has violated section 8 (a) (6), the Board shall, in addition to any other affirmative action effectuating the policies of the Act, assess a penalty of up to \$10,000 for each and every violation of section 8 (a) (6)”.

2. The bill also amends the title of the Act to read: “National Labor Relations Act, as amended”.

3. The bill also amends the title of the Act to read: “National Labor Relations Act, as amended”.

4. The bill also amends the title of the Act to read: “National Labor Relations Act, as amended”.

5. The bill also amends the title of the Act to read: “National Labor Relations Act, as amended”.

6. The bill also amends the title of the Act to read: “National Labor Relations Act, as amended”.

7. The bill also amends the title of the Act to read: “National Labor Relations Act, as amended”.

8. The bill also amends the title of the Act to read: “National Labor Relations Act, as amended”.

9. The bill also amends the title of the Act to read: “National Labor Relations Act, as amended”.

10. The bill also amends the title of the Act to read: “National Labor Relations Act, as amended”.

94TH CONGRESS
1ST SESSION

H. R. 6589

A BILL

To amend the National Labor Relations Act to provide that it shall be an unfair practice for an employer to coerce, harass, or threaten an employee or independent contractor with respect to any contract between such employee or independent contractor and such employer.

By Mr. Latta

MAY 1, 1975

Referred to the Committee on Education and Labor

April 10, 1975

Mr. William S. Jordan
534 Degler
Defiance, Ohio 43512

Dear Bill:

I have discussed your problems with Central Transport Incorporated at some length with the General Counsel's office at the National Labor Relations Board here in Washington.

Due to the complexity of the case, it was suggested that a formal charge against the company be filed with the Regional Director of NLRB in Cleveland. This could be accomplished either by phone or in person. The Director is Mr. Bernard Levine, 1240 E. 9th Street, Suite 1695 Federal Office Building, Cleveland, Ohio 44199, telephone 614/522 3715. The matter would then be fully investigated and given a formal opinion.

I understand that in the case where the contract is a private one between an individual and the company, it would be necessary to take the matter to court. However, if it is a union contract, it would be a matter of collective bargaining. I am advised that a breach of contract in itself is not considered to be an unfair labor practice if the union is the exclusive bargaining agent and takes a course of action with the company. In other words, if there is collusion for discriminatory purposes under the National Labor Relations Act between union officials and the company, you could then file a charge against the union for failing to represent you and the other truckers in fulfilling their obligation as your agent or representative. Should a criminal act on the part of union officials be disclosed by the investigation, the Department of Labor would be the appropriate agency to pursue the same. In the case where you may be discriminated against because you sought assistance of the union and asserted your contract right under collective bargaining, this would be considered to be an unfair labor practice subject to NLRB jurisdiction.

With best personal regards, I remain

Sincerely yours,

DELBERT L. LATTA
Representative to Congress

DLL:vk

April 21, 1975

Mr. William S. Jordan
Cecil
Ohio 45821

Dear Mr. Jordan:

Further reference is made to my recent letter to you and our conversation concerning the problems encountered by you and other truckers in the Defiance area with a Detroit-based transport company. In our efforts to be of all possible assistance in this matter, our office contacted the National Labor Relations Board as well as the FBI relative to the possibility of violations of federal statutes. According to the information you provided, it appeared that serious violations had already been committed and if tactics outlined by you were pursued, other violations could occur.

As indicated in my conversations with you, the NLRB assured me that it would be glad to pursue the matter as soon as you could come to one of their offices -- either in Cleveland or in Detroit -- and file the necessary formal grievance charges with them. Several attempts were made to reach you by telephone but you apparently have moved from Defiance. Finally, the NLRB General Counsel's office in Washington was able to reach the home of another trucker, [redacted] and reiterated the desire to render all possible assistance to [redacted] to you and others in this matter.

I have just received a message from Mr. Wilks of the General Counsel's office of NLRB that he talked with [redacted] and she conveyed a message from her husband and from you that you "were taking care of the matter." Accordingly, I shall close our file on this matter and request that the agencies involved do likewise unless I hear from you to the contrary.

Please be assured that our office and the other federal agencies involved, were more than glad to assist you and the other drivers in this matter.

With best personal regards, I remain

Sincerely yours,

DLL:kmb

DELBERT L. LATTA
Representative to Congress

cc: [redacted]
[redacted]

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62-116604-4

TELETYPE TO SAC, CLEVELAND
RE: [REDACTED] V.
DELBERT LATTA, ET AL.
CIVIL ACTION NO. C-75-166

DEFENDANTS NOT COVERED IN THE PREVIOUS AFFIDAVITS, AND
PREPARE THE SUPPLEMENTAL AFFIDAVITS. THE ORIGINAL
AFFIDAVITS AND FOUR COPIES OF EACH SHOULD BE
FORWARDED BY AIR MAIL SPECIAL DELIVERY TO FBI HEADQUARTERS,
ATTENTION: LEGAL COUNSEL DIVISION, TO REACH THE BUREAU
ON OR BEFORE SEPTEMBER 8, 1975.

FOR YOUR ASSISTANCE IN PREPARATION OF THESE AFFIDAVITS,
A PRELIMINARY REVIEW OF THE [REDACTED] AFFIDAVITS BY
FBIHQ REVEALS THE FOLLOWING PARAGRAPHS CONTAIN ADDITIONAL
UNANSWERED ALLEGATIONS: [REDACTED] AFFIDAVIT,
PAGE SIX, PARAGRAPH THIRTEEN, AND PAGE SEVEN, PARAGRAPH
SIXTEEN; IN [REDACTED] AFFIDAVIT, PAGE THREE,
PARAGRAPHS EIGHT AND NINE.

NOTE: Affidavits recently filed by the [REDACTED] in captioned
suit raise additional questions not answered in the original
affidavits furnished by the SA defendants. Pursuant to
the request of [REDACTED], Civil Division of the
Department, on 9/3/75, this communication requests Cleveland
to prepare and furnish supplemental affidavits, to be
filed in support of the Government's Motion to Dismiss
or in the alternative for summary judgment.

Assistant Attorney General
Civil Division

September 8, 1975

Director, FBI

1 - [redacted]
2 - Mr. Mintz
1 - [redacted]

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[redacted] v.
DELBERT LATTI, et al.
(U.S.D.C., N.D. OHIO)
CIVIL ACTION NO. C75-166

By memorandum dated August 22, 1975, your reference RMRader:dpb 145-11-171, you furnished copies of the [redacted] Memorandum in Opposition to Defendants' Motion to Dismiss or in the Alternative for Summary Judgment, as well as affidavits of the [redacted] and [redacted]. You requested that these documents be reviewed to ascertain if any issues raised therein should be answered by the submission of supplemental affidavits by the Special Agent defendants.

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After a review of the memorandum and affidavits filed by the [redacted] Special Agent [redacted] of our Legal Counsel Division discussed this matter with [redacted] of your Division on August 29, 1975. At that time it was concluded that supplemental affidavits would not be necessary. However, on September 3, 1975, [redacted] advised that after further reflection and reconsideration he felt it would be helpful to file supplemental affidavits to answer any additional allegations raised by the affidavits recently filed on behalf of the [redacted]. He requested these be furnished as expeditiously as possible. Our Cleveland Office has been requested to prepare and submit these affidavits, and they will be furnished to [redacted] immediately upon their receipt at FBI Headquarters.

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MAILED 7
SEP 9 1975
FBI

1 - Cleveland (62-2373)

REC-56

15 SEP 10 1975

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

JRD:ki
(8)

(See NOTE, Page 4.)

[redacted]

MAIL ROOM ☐

TELETYPE UNIT ☐

GPO : 1975 O - 569-320

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Assistant Attorney General
Civil Division

[] also solicited any suggestions or comments from our Legal Counsel Division on the legal issues involved in this matter.

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A review of the Motion to Dismiss or in the Alternative for Summary Judgment, filed on behalf of the defendants, indicates that the doctrine of official immunity is the primary preliminary defense being relied upon to shield the Special Agent defendants. The

[] memorandum in opposition to the Government's motion asserts that the Special Agents are not entitled to the protection of the official immunity defense as they were acting beyond the outer perimeter of their scope of authority.

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As an example of a case wherein law enforcement officers were denied the defense of official immunity the plaintiff cites, inter alia, Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 456 F.2d 1339 (2d Cir. 1972), incorrectly cited in plaintiff's memorandum (Page 14) as a Tenth Circuit case. The Bivens court did not find that the Federal narcotics officers were acting outside the scope of their authority, but instead adopted a broad definition of scope of authority stating: "We believe that what is meant by the phrase 'within the outer perimeter of [an officer's] line of duty' is that the officer must have been acting in his role as a government officer. Here the duties of these defendants include making arrests in cases involving narcotics. They were doing just that." Id. at 1345. Having found that the officers were acting within the scope of their authority, the court then held that the officers were not entitled to the protection of the official immunity doctrine as they were not performing duties which required the exercise of discretion. The court went on to state, "We have concluded and now decide and hold that it is a principle of federal law that Agents of the Federal Bureau of Narcotics, and other federal police officers such as Agents of the FBI performing similar functions,

Assistant Attorney General
Civil Division

while in the act of pursuing alleged violators of the narcotics laws or other criminal statutes, have no immunity to protect them from damage suits charging violations of constitutional rights." *Id.* at 1341. Thus, it appears that the Second Circuit intended to categorically deny the immunity defense to all Federal law enforcement officers.

The Sixth Circuit in [] v. Ferrigan, 459 F.2d 81 (1972), adopted the holding of the *Bivens* case on the issue of official immunity. However, rather than denying the existence of such an immunity the Court described it as, "a qualified one, in the nature of an affirmative defense" and said this immunity was available only if the officer acted in good faith with probable cause. *Id.* at 83. The [] case, not cited in the memorandum of either party to this suit, would appear significant as it involved a ruling on a Motion to Dismiss in a suit wherein the defendant was a Special Agent of this Bureau. It is suggested that the [] case can be distinguished from the captioned suit as it involved an allegedly improper arrest. In the captioned civil action [] was simply interviewed, in the presence of [] by two Agents. Additionally, the affidavits of the defendant Special Agents and their supervisor clearly establish that they acted in good faith and with a reasonable belief in the lawfulness of their actions. It would appear, even under the rationale of the [] case, that this affirmative defense has been properly asserted on behalf of the defendant Special Agents and, therefore, the Government's motion should be granted.

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It is also worth noting that although, as pointed out above, the Second Circuit in *Bivens* appeared to have categorically denied the official immunity defense to Federal law enforcement officers, in a 1973 decision that same Court upheld a grant of official immunity to

Assistant Attorney General
Civil Division

Special Agents of the United States Secret Service. Galella v. Ocasio, 487 F.2d 986 (2d Cir. 1973). In attempting to distinguish its holding from an apparently contrary result in Bivens, the Court stated, "The issue in each case is whether the public interest in a particular official's unfettered judgment outweighs the private rights that might be violated." Id. at 994. It would appear that in the captioned case the public interest in having the FBI initiate a limited inquiry to determine if the plaintiff was contemplating some violent and illegal act directed against the Congressman or others would outweigh the plaintiff's right not to be contacted for a brief interview by this Bureau.

IF by simply impugning the motives of the interviewing Agents a plaintiff can enlarge a routine investigative technique such as an interview into a violation of his First and Fourteenth Amendment rights, and by this tactic also strip the Federal officer of the preliminary defense of official immunity, the potential for frivolous and vexatious suits appears unlimited.

NOTE: This civil action names as defendants Special Agents [redacted] and [redacted] of the Cleveland Office and U.S. Congressman Delbert Latta of Ohio. The SAs interviewed the plaintiff, [redacted] after Congressman Latta contacted our Cleveland Office expressing concern over [redacted] intentions as a result of a heated conversation between the Congressman and [redacted] claims it was the intention of the Congressman to use the FBI to deter him from exercising his First Amendment right to petition his government for redress of grievances. The plaintiff seeks injunctive relief to prevent the FBI from contacting him again as well as expungement of all FBI records relating to the incident. Additionally, he seeks compensatory damages in the amount of \$15,000 and punitive damages in the amount of \$100,000. The Department has filed a Motion to Dismiss or in the Alternative for Summary Judgment which is pending before the Court.

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ENCLOSURE

62-116604-7

WASHINGTON, D. C.

SS:

DISTRICT OF COLUMBIA

The undersigned being duly sworn deposes and says:

That she has been Legislative Aide to Congressman Delbert Latta of Ohio's Fifth Congressional District since October 29, 1971; that on the morning of April 7, 1975, he gave her certain papers which had been delivered to him by a William S. Jordan of Defiance, Ohio, outlining some of the troubles the truckers in that area were having with the Central Transport Company of Detroit, Michigan; that Congressman Latta briefed her on the details involved in the case before giving her said papers and stated that since this company was operating across state lines, federal laws were probably involved, including the violation of NLRB regulations and that she should pursue the matter; that she then took over the case, assumed control of the papers, and left his office; that she then began to explore the possibility of a violation of NLRB regulations with Mr. Thomas Wilks, General Counsel for the Ohio Area at the National Labor Relations Board, who advised that due to the complexity of trucker cases involving the owner-lessor lease agreement, he would suggest that Mr. Jordan and/or other truckers file a formal charge against the company with the Regional Director of NLRB in Cleveland, whereby the matter could be fully investigated and given a formal opinion; that he also mentioned several ramifications of the National Labor Relations Act which might bear on the problem; that she followed by preparing a letter for Congressman Latta's signature on April 10, 1975, addressed to Mr. William Jordan, wherein the necessary

62-116604-7

ENCLOSURE

procedure was outlined for initiating action which could only be brought by complainant or complainants before the National Labor Relations Board; that after preparing this letter she called Mr. Wilks and read the letter to him; that he made some suggestions for inclusion in the letter and she incorporated the changes in the letter (a copy of which is attached); that she then placed the letter on the Congressman's desk for his approval and signature on the afternoon of April 10, 1975; that she had no conversation with Congressman Latta relative to this matter from the time he gave her the file on April 7 until she placed the letter on his desk on April 10; and that Congressman Latta was not aware that she was making the above contacts with Mr. Wilks or was in the process of preparing the letter until the same was placed on his desk for his approval and signature on April 10, 1975.

Affiant further pursued this matter for the Congressman by making inquiries of the Legislative Counsel of the House of Representative and the Minority Staff of the Education and Labor Committee concerning the possibility of having legislation prepared seeking additional penalties in such matters for introduction in the Congress by Congressman Latta; that appropriate legislation was drafted and prepared for introduction in the House of Representatives by Congressman Latta; that Congressman Latta introduced such legislation on May 1, 1975, and it is presently pending before the Education and Labor Committee; that such legislation is known as HR 6589.

Further, Affiant saith not.

Violet C. Koerber
Violet C. Koerber

Sworn to and subscribed before me this 4th Day of
September, 1975, at Washington, D. C.

Mary Carter Boorman
Notary Public
My Commission Expires April 30, 79

INDEP AGENCIES: NLRB: unfair labor practices

April 10, 1975



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Dear 

I have discussed your problems with Central Transport Incorporated at some length with the General Counsel's office at the National Labor Relations Board here in Washington.

Due to the complexity of the case, it was suggested that a formal charge against the company be filed with the Regional Director of NLRB in Cleveland. This could be accomplished either by phone or in person. The Director is Mr. Bernard Levine, 1240 E. 9th Street, Suite 1695 Federal Office Building, Cleveland, Ohio 44199, telephone 614/522 3715. The matter would then be fully investigated and given a formal opinion.

I understand that in the case where the contract is a private one between an individual and the company, it would be necessary to take the matter to court. However, if it is a union contract, it would be a matter of collective bargaining. I am advised that a breach of contract in itself is not considered to be an unfair labor practice if the union is the exclusive bargaining agent and takes a course of action with the company. In other words, if there is collusion for discriminatory purposes under the National Labor Relations Act between union officials and the company, you could then file a charge against the union for failing to represent you and the other truckers in fulfilling their obligation as your agent or representative. Should a criminal act on the part of union officials be disclosed by the investigation, the Department of Labor would be the appropriate agency to pursue the matter. In the case where you may be discriminated against because you sought assistance of the union and asserted your contract right under collective bargaining, this would be considered to be an unfair labor practice subject to NLRB jurisdiction.

With best personal regards, I remain

Sincerely yours,

BERNARD L. LEVINE
Representative to Congress

DLE:vk

62-116604-7

ENCLOSURE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

William S. Jordan

:

Case No. C 75-166

Plaintiff

:

SUPPLEMENTAL AFFIDAVIT OF
SPECIAL AGENT [REDACTED]

vs.

:

FEDERAL BUREAU OF INVESTIGATION

Delbert Latta, Individually :
and in his official capacity :
as a United States Congressman; :
[REDACTED] Individually and in :
his official capacity as an :
agent for the Federal Bureau of :
Investigation; [REDACTED] :
Individually and in his official :
capacity as an agent for the :
Federal Bureau of Investigation; :
and United States of America. :

Defendants :

STATE OF OHIO)

SS:

LUCAS COUNTY)

The undersigned, being duly sworn, deposes and says:

Affiant previously submitted an affidavit to this Court in response to allegations made by WILLIAM S. JORDAN in a complaint filed with this Court. Mr. JORDAN has since filed a Memorandum in Opposition to Defendant's Motion to Dismiss or in the Alternative for Summary Judgment, filed August 11, 1975. In support of this Memorandum, affidavits were submitted by Mr. WILLIAM S. JORDAN and Mr. GARNER JORDAN.

Affiant has read the above two affidavits and is responding by submitting this supplemental affidavit.

1. In reference to plaintiff's allegation contained in paragraph 13, page 6, of plaintiff's affidavit, affiant denies that plaintiff Jordan was ever told that Congressman Latta had complained that plaintiff was putting undue pressure on him and that they had been sent to straighten him out; and further affiant denies telling Mr. Jordan that Congressman Latta stated he was afraid of his life because he did not know what Mr. Jordan was capable of doing.

2. Affiant has reviewed paragraph 16, page 7, of Mr. Jordan's affidavit and denies making any of the statements contained in this paragraph; specifically, that there was no basis for the complaint;

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62-116604-7

ENCLOSURE,

that Congressman Latta had not investigated this matter in a thorough enough manner and that the complaint was trivial and they wished all investigations were so simple.

3. Affiant notes that in Mr. Jordan's affidavit, paragraph 17, page 7, Mr. Jordan alleges he was told twice by one of the agents not to put anything in the papers which would be detrimental to Congressman Latta's political career. Affiant denies making or having heard any such statement made.

4. Affiant has reviewed Mr. Jordan's affidavit, specifically paragraph 3, page 2, and paragraph 9, page 5. Affiant states that during this interview on April 14, 1975 Mr. Jordan stated to affiant that he possibly may have been unduly forceful in his request of Congressman Latta and further stated that some of his statements and accusations may have been unfair to the Congressman; however, it was because of his, plaintiff Jordan's, need for immediate and appropriate action to his grievance.

5. Affiant has also reviewed the affidavit of Mr. GARNER JORDAN and, referring to paragraph 8, page 3 of this affidavit, affiant notes that the allegations contained in this paragraph are identical to those contained in the affidavit of plaintiff WILLIAM JORDAN, paragraph 13, page 6. Affiant denies that the statements contained in these paragraphs were ever made.

6. Affiant denies the statements made in paragraph 9, page 3 of Mr. GARNER JORDAN'S affidavit. Affiant states that Mr. GARNER JORDAN and Mr. WILLIAM JORDAN were told by affiant in response to Mr. WILLIAM JORDAN'S inquiry as to whether he would have a record that this incident would be made a matter of record, but that this did not mean he would have a criminal record with the Federal Bureau of Investigation.

7. Affiant states that in regard to paragraph 10, page 3, of Mr. GARNER JORDAN'S affidavit that the same allegations are contained in this paragraph as are contained in paragraph 17, page 7, of Mr. WILLIAM JORDAN'S affidavit. Affiant denies that any such statements were made regarding putting anything in the papers which would be

'detrimental to Congressman Latta's political career.

8. Affiant states that at the conclusion of the interview on April 14, 1975 Mr. GARNER JORDAN stated to him that his son possibly was overwrought in his conversations with Congressman Latta, one of the reasons being that when he re-contacted Congressman Latta, Mr. Latta seemed not to recall who he was; further, that his son felt he was in a desperate financial position, that he was afraid he was going to lose everything including his truck and home, and he felt he was not getting adequate attention from Congressman Latta.

Further affiant sayeth not.

[Redacted]
[Redacted] Special Agent
Federal Bureau of Investigation

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Sworn to before me and subscribed in my presence this 4th day of September, 1975.

Joan Gentner
Joan Gentner, Notary Public
Lucas County, Ohio
My Commission Expires 8-23-79

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

William S. Jordan,

Plaintiff

vs.

Civil No. C 75-166

Delbert Latta, individually
and in his official capacity
as a United States Congressman;
et al.

AFFIDAVIT OF
DELBERT L. LATTA

Defendants.

WASHINGTON, D. C.

ss:

DISTRICT OF COLUMBIA

The undersigned being duly sworn deposes and says:

1. THAT he has read the Memorandum in Opposition to Defendants' Motion to Dismiss or in the Alternative for Summary Judgment as well as the Affidavits of Plaintiff William S. Jordan and his father, Garner Jordan, and wishes to respond thereto.

2. At 7:30 A.M. on the morning of April 12, 1975, affiant telephoned the Cleveland office of the F. B. I. and later that same morning talked with a John Brennan, a Special agent in the Toledo office of the F. B. I. to advise that agency of the troubling statements, accusations, and allegations made by William Jordan in a telephone conversation to affiant on the previous evening which caused affiant to become concerned for his own safety as well as the safety of others and to lay before the F. B. I. at that time all of the information he had acquired and actions taken in his capacity as a member of Congress in the preceding six days regarding the rapidly escalating problems arising out of a labor dispute in the Defiance, Ohio area.

3. Affiant's concern for his own safety and the safety of others was caused by a telephone call by William Jordan to affiant on the evening of April 11, 1975, in which he was highly emotional, accusatory, angry, belligerent, and sounded desperate; expressed an intense and overwhelming fear of losing his job, his truck, and his home; had suddenly directed

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his anger at affiant as well as his employer by repeatedly blaming affiant for his many problems and irrationally charging him with failing to resolve them between Monday, April 7, and Friday, April 11, 1975; his ignoring affiant's suggested course of action to utilize the lawful procedures of the N. L. R. B.; his repeated allegations of mafia involvement by one of the individuals with whom he would now have to deal and said person's use of strong-arm tactics; his statements that he was tired of getting the "run-around" and his threats that he was now going to get action as he was going to take care of the matter himself; his refusal to acknowledge affiant's several admonitions to follow the law; his statement that the company was not following the law and was getting by with it; and the fact that he had previously and freely volunteered information to affiant that he had been singled out by his employer as a troublemaker led affiant to believe that he had become desperate and was about to take the law into his own hands to satisfy any grievances he thought he might have.

4. At no time during affiant's conversation with special agent John Brennan, or in his conversation with the Cleveland office of the F. B. I., nor at any other time did affiant file a complaint against William Jordan, nor did he request or suggest that the F. B. I. conduct an investigation, interview, or take any action whatsoever. Affiant's telephone conversation with the F. B. I. went no further than to relay as objectively as possible the aforementioned allegations and statements which William Jordan had made to him, actions taken by affiant's Congressional office relative to same, William Jordan's statements that he was now going to get action and take care of the matter himself, affiant's repeated admonitions to William Jordan to follow the law, and a description of the irrational, emotional, and accusatory call of the previous night from William Jordan. Affiant did not suggest that the F. B. I. take any action nor did affiant

request or suggest that it conduct an investigation of William Jordan or personally interview him.

5. THUS, Affiant did not suggest, request or otherwise influence the F. B. I. to conduct an interview with William Jordan nor did he have prior knowledge of the fact that an interview was to take place and did not learn that an interview had taken place until several days thereafter. Affiant had no knowledge of the identities of the agents assigned by the F. B. I. to conduct such an interview, the instructions they received from their superior, what was said during the interview or what official actions, if any, were taken by the F. B. I. as a result thereof.

6. Affiant's decision to relay to the F. B. I. the aforementioned information was motivated by William Jordan's ignoring of affiant's advice to utilize the lawful procedure of the N. L. R. B. to resolve his labor troubles, his repeated allegations of mafia involvement by one of the individuals with whom he would now have to deal and said person's reputation for the use of strong-arm tactics, his repeated threats that he was now going to get action and take care of the matter himself, his statement that his employer was using illegal tactics and getting by with it, his refusal to acknowledge affiant's several admonitions to him to follow the law, the fact that he had previously and freely volunteered the information to affiant that his employer had singled him out as a troublemaker and affiant's belief that in his highly emotional, irrational, accusatory and angry state of mind brought on by the prospect of his losing his job, his truck, and his home might cause him to take the law into his own hands and resort to violence if necessary to satisfy any grievances he thought he might have against his employer or affiant. Affiant having taken the oath of office for a ninth term as a Congressman just three months earlier, thoughts of his re-election were not on his mind and his political career could hardly have been affected by any dissatisfaction voiced by the unknown Plaintiff with the services rendered him by affiant's Congressional office.

John L. L...

Sworn to and subscribed before me on this 19th day of
September 1975, at Washington, D. C.

Mary Curtis Boone

Notary Public

My commission expires April 1, 1976

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

William S. Jordan : Case No. C 75-166
Plaintiff : SUPPLEMENTAL AFFIDAVIT OF
vs. : SPECIAL AGENT [REDACTED]
: FEDERAL BUREAU OF INVESTIGATION

Delbert Latta, Individually :
and in his official capacity :
as a United States Congressman; :
[REDACTED] Individually and in :
his official capacity as an :
agent for the Federal Bureau of :
Investigation; [REDACTED] :
Individually and in his official :
capacity as an agent for the :
Federal Bureau of Investigation; :
and United States of America :

Defendants :

STATE OF OHIO }
LUCAS COUNTY } SS:

The undersigned, being duly sworn, deposes and says:

Affiant previously submitted an affidavit to this Court in response to allegations made by WILLIAM S. JORDAN in a complaint filed with this Court. Mr. JORDAN has since filed a Memorandum in Opposition to Defendant's Motion to Dismiss or in the Alternative for Summary Judgment, filed August 11, 1975. In support of this Memorandum, affidavits were submitted by Mr. WILLIAM S. JORDAN and Mr. GARNER JORDAN.

Affiant has read the above two affidavits and is responding by submitting this supplemental affidavit.

1. In reference to plaintiff's allegation contained in paragraph 13, page 6, of plaintiff's affidavit, affiant denies that plaintiff Jordan was ever told that Congressman Latta had complained that plaintiff was putting undue pressure on him and that they had been sent to straighten him out; and further affiant denies telling Mr. Jordan that Congressman Latta stated he was afraid of his life because he did not know what Mr. Jordan was capable of doing.

2. Affiant has reviewed paragraph 16, page 7, of Mr. Jordan's affidavit and denies making any of the statements contained in this paragraph; specifically, that there was no basis for the complaint;

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that Congressman Latta had not investigated this matter in a thorough enough manner and that the complaint was trivial and they wished all investigations were so simple.

3. Affiant notes that in Mr. Jordan's affidavit, paragraph 17, page 7, Mr. Jordan alleges he was told twice by one of the agents not to put anything in the papers which would be detrimental to Congressman Latta's political career. Affiant denies making or having heard any such statement made.

4. Affiant has reviewed Mr. Jordan's affidavit, specifically paragraph 3, page 2, and paragraph 9, page 5. Affiant states that during this interview on April 14, 1975 Mr. Jordan stated to affiant that he possibly may have been unduly forceful in his request of Congressman Latta and further stated that some of his statements and accusations may have been unfair to the Congressman; however, it was because of his, plaintiff Jordan's, need for immediate and appropriate action to his grievance.

5. Affiant has also reviewed the affidavit of Mr. GARNER JORDAN and, referring to paragraph 8, page 3 of this affidavit, affiant notes that the allegations contained in this paragraph are identical to those contained in the affidavit of plaintiff WILLIAM JORDAN, paragraph 13, page 6. Affiant denies that the statements contained in these paragraphs were ever made.

6. Affiant denies the statements made in paragraph 9, page 3 of Mr. GARNER JORDAN'S affidavit. Affiant states that Mr. GARNER JORDAN and Mr. WILLIAM JORDAN were told by affiant in response to Mr. WILLIAM JORDAN'S inquiry as to whether he would have a record that this incident would be made a matter of record, but that this did not mean he would have a criminal record with the Federal Bureau of Investigation.

7. Affiant states that in regard to paragraph 10, page 3, of Mr. GARNER JORDAN'S affidavit that the same allegations are contained in this paragraph as are contained in paragraph 17, page 7, of Mr. WILLIAM JORDAN'S affidavit. Affiant denies that any such statements were made regarding putting anything in the papers which would be

detrimental to Congressman Latta's political career.

Further affiant sayeth not.

[Redacted]
[Redacted] Special Agent
Federal Bureau of Investigation

b6
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Sworn to before me and subscribed in my presence this 4th day
of September, 1975.

Joan Gentner
Joan Gentner, Notary Public
Lucas County, Ohio
My Commission Expires 8-23-79

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
ATTN: SA [REDACTED]
OFFICE OF LEGAL COUNSEL

DATE: 10/30/75

FROM : SAC, CLEVELAND (62-2373) (P)

SUBJECT: [REDACTED]
vs. DELBERT LATTA;
SA [REDACTED]
SA [REDACTED]
USA;
DOCKET #C 75-166
CIVIL SUIT
OO: CLEVELAND

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Re Cleveland teletype to Bureau, 5/20/75.

Enclosed for the Bureau are three copies each of a Supplemental Memorandum in Support of Defendants' Motion to Dismiss and a Supplement to Motion to Dismiss...Filed with the USDC, Toledo by the USDJ, Washington, D.C. Also enclosed are three copies of a memorandum and order of USDCJ DON J. YOUNG, USDC, Toledo, denying defendants' motion for a protective order, filed with the Court on 9/22/75.

3 - Bureau (Enc. 9)
2 - Cleveland

TRM/cac
(5)

ENCLOSURE

ENC. REC-45

ST-111 62-116604-

NOV 3 1975

SA Joseph R. [REDACTED]
LEGAL COUNSEL JAM/JPD

11/1/75



57 DEC 1 1975

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

ENCLOSURE

62-116604-9

ENCLOSURE

62-116604-9

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
ATTENTION: SA [REDACTED]
OFFICE OF LEGAL COUNSEL
FROM: SAC, CLEVELAND (62-2373) (C)

DATE: 4/2/76

SUBJECT: [REDACTED] vs.,
DELBERT LATTA;
SA [REDACTED]
SA [REDACTED]
USA;
DOCKET NO. C75-166
CIVIL SUIT
OO: Cleveland

Re Cleveland letter to Bureau, 10/30/75.

Enclosed for the Bureau are three copies each of Judgement and Opinion & Order, filed with the United States District Court by Honorable DON J. YOUNG, United States District Judge, on March 26, 1976. Judge YOUNG ordered that defendant's motion to dismiss be granted or in the alternative summary judgement granted. Complaint dismissed with prejudice as to all defendants. Cleveland Division considering this matter closed.

3 - Bureau (Enc 6) (RM)
1 - Cleveland

CLS/sk
(4)

ENCLOSURE ATTACHED

REC-38

EX-104

3 APR 5 1976



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

56 APR 14 1976

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ENCLOSURES TO THE BUREAU, SIX:

RE: [REDACTED] vs.,

DELBERT LATTA:

SA

SA [REDACTED]

USA;

DOCKET NO. C75-166

CIVIL SUIT

OO: Cleveland

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THREE COPIES EACH OF JUDGEMENT AND
OPINION & ORDER FILED WITH USDC.

RE: CV (62-2373)

RE: CV LET TO BU, 4/2/76.



FBTR

ENCLOSURE

62-116604-14

MAR 29 9 20 AM 1976
U.S. ATTORNEY'S OFFICE
TOLEDO, OHIO

United States District Court

FOR THE

NORTHERN DISTRICT OF OHIO, WESTERN DIVISION

CIVIL ACTION FILE NO. C75-166

William S. Jordan

vs.

Delbert Latta, etc., et al.

JUDGMENT

This action came on for ~~trial~~ (hearing) before the Court, Honorable DON J. YOUNG

- - - - , United States District Judge, presiding, and the issues having been duly ~~tried~~
(heard) and a decision having been duly rendered,

It is Ordered and Adjudged that motion of all defendants to dismiss the complaint or, in the alternative, for summary judgment is hereby granted, and it is,

Further ORDERED that the complaint should be and hereby is dismissed with prejudice as to all defendants.

FILED
MAR 26 4 09 PM '76
CLERK
U.S. DISTRICT COURT
NORTHERN DISTRICT
TOLEDO, OHIO

Dated at Toledo, Ohio
of March , 1976.

, this 26th day

Mark Schlachet
Clerk of Court

BY Beatrice L. Reihing
Deputy Clerk

A true copy

Attest: Mark Schlachet, Clerk

Beatrice L. Reihing

By Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED

MAR 26 3 55 PM '76

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MAR 29 9 20 AM 1976
U.S. ATTORNEY'S OFFICE
TOLEDO, OHIO

William S. Jordan,
Plaintiff,
vs.
Delbert Latta, etc., et al.,
Defendants.

Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT
TOLEDO, OHIO
Civil No. C 75-166

OPINION AND ORDER

YOUNG, J:

This cause came to be heard upon motion of defendants to dismiss the complaint for failure to state a claim upon which relief can be granted or, in the alternative, for summary judgment. See Rules 12(b)(6) and 56, Federal Rules of Civil Procedure.

Technically, since this motion is supported by matters outside the pleadings, including various affidavits, the Court is required to treat it as a motion for summary judgment. There are, however, numerous genuine issues as to material facts, thus precluding the possibility of summary disposition. Unfortunately, the motion is not that simple. The defenses of congressional, official and sovereign immunity are raised by the defendants and thus the key question to be decided at this time is whether the suit may be brought at all.

Plaintiff has sued the Honorable Delbert Latta, a member of the United States House of Representatives, two special agents of the Federal Bureau of Investigation and the United States of America. Jurisdiction is predicated upon 28 U.S.C. §§1331, 1343, and 1361, and plaintiff seeks relief pursuant to 28 U.S.C. §2201, Rule 65 Fed. R. Civ. P., and the First and Fourteenth Amendments to the United States Constitution. Plaintiff believes that the defendants have interfered with and violated his constitutionally protected right of freedom of the speech and his right to petition the government for a redress of grievances.

It is clear with respect to congressional immunity that if the doctrine applies, legislators are protected not only from the consequences of litigation but also from the burden of going through the process of defending themselves. Eastland v. United States Servicemen's Fund, 95 S.Ct. 1813 (1975) citing Dombrowski v. Eastland, 387 U.S. at 85 (1967). The Court, then, if it were to hold the doctrine applicable to the present case would have to dismiss as to the defendant Latta.

Article I, Section 6, Clause 1 of the United States Constitution states:

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their Respective Houses, and in going to and from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

As can be seen from a literal reading of the clause, it does not provide that a congressman may not be sued. Rather it has been construed to mean that senators and representatives may not be questioned in any other place, including the judicial forum, concerning activities which fall within the sphere of legislative activities. Eastland, supra at 1820 and the cases cited therein. The clause has always been given a very broad interpretation so that congressmen could perform their legislative function independently. United States v. Brewster, 408 U.S. 501 (1971); United States v. Johnson, 383 U.S. 169 (1966).

In determining whether particular activities other than literal speech and debate fall within the "legitimate legislative sphere," we look to see whether the activities are done in a Session of the House by one of its members in relation to the business before it. Eastland, supra at 1821 citing Kilbourn v. Thompson, 103 U.S. at 204 (1881).

Legislative acts are not all-encompassing. The heart of the Clause is speech and debate in either House. Insofar as the Clause is construed to reach other matters, they must be an integral part of the deliberative and communicative process by which members participate in the committee and House proceedings with respect to the consideration and passage or rejection of proposed legislation or with respect to other matters which the Constitution places within the jurisdiction of either House. Gravel v. United States, 408 U.S. 606, 625 (1971).

The fact that certain acts are performed in an official capacity as senator or representative is not sufficient to make such acts legislative in nature. Id. The privilege has been extended to matters beyond pure speech and debate but "only when necessary to prevent the indirect impairment of such deliberations." Id. citing United States v. Doe, 455 F.2d at 760 (1st Cir. 1972).

This Court is of the opinion that the activities involved in this case fall within the legitimate legislative sphere of defendant Latta's duties as a congressman. He is, therefore, cloaked with congressional immunity and may not be questioned in this Court concerning said activities. Eastland, supra at 1820. Plaintiff came to defendant Latta seeking help with an employment problem. The congressman said he would try to help and accepted plaintiff's papers and documents. He turned said papers over to his staff for possible action. The staff examined the documents and consulted with the Assistant General Counsel for the Ohio area of the National Labor Relations Board and recommended that a formal charge be filed with the NLRB. A letter to this effect was apparently sent to plaintiff from defendant Latta's office. Before it was received, however, plaintiff again contacted the defendant by telephone. Mr. Jordan was upset that the matter had not been handled more promptly. Defendant Latta, in his

affidavit (attached to motion filed July 3, 1975, p. 4-5) states that plaintiff told him that he would "get action alright, he was now going to take care of matters his way He said he was tired to getting the run around and was now going to take care of the matter himself and besides he was not going to vote for me." While plaintiff did not threaten the life of defendant Latta, he, according to Mr. Latta, did put the fear of God into him. (affidavit p. 5). The next day Mr. Latta contacted the F.B.I.

It is clear that Mr. Latta's contact with the F.B.I. was not the result of a fear of adverse publicity or of losing votes. See affidavit of William Jordan filed August 11, 1975, p.4; affidavit of Latta, p.5. Rather, it was the fear that plaintiff was going to take matters into his own hands. At page 5 of his affidavit, Mr. William Jordan does not deny that he had threatened to take matters into his own hands, stating only that he had not threatened to do it through violent means. This is corroborated by the affidavit of the plaintiff's father, Garner Jordan, who states:

. . . . nor did Williams S. Jordan at any time threaten to take matters into his own hands using physical violence against anyone. Affidavit of Garner Jordan filed Aug. 11, 1975, p.2.

It does not make any difference that plaintiff did not explicitly state that he would use force or violence to achieve his goals. Implicit in the statement that he would take care of matters his way is the likelihood that force or violence would be resorted to if necessary. Once the defendant Latta determined that plaintiff would resort to self-help, he had the right, if not the duty, as a federal officer, to contact the F.B.I. No sinister motives can be implied from such conduct.

This Court has no sympathy for people who take the law into their own hands. If such activity were to be condoned, there would be no necessity for congressmen or legislatures; for judges or courts. This Court is not willing to let the judicial branch of our government be used as a tool to justify and approve the deliberate circumvention of the legislative branch by resort to self-help. Mr. Latta was performing the legitimate legislative function of listening to and attempting to solve the problems of his constituency. He appears to have performed said function in an honest and sincere manner. In order to insure that he continues to perform said function independently, he must be protected from lawsuits of this nature. See United States v. Brewster, supra; Eastland v. United States, supra.

With regard to the F.B.I. agents who are defendants in this case, this Court finds that they were merely serving the defendant Latta in his legislative function and thus they are entitled to gain constitutional protection under Article I, §6, Cl. 1. Doe v. McMillan, 412 U.S. 306 (1972). Furthermore, since the United States has not consented to be

sued in this case, it must be dismissed as a defendant. Any reliance on 28 U.S.C. §1346 is misplaced if for no other reason than that the amount in controversy exceeds \$10,000.00. Plaintiff is suing for \$15,000.00 in compensatory damages and \$100,000.00 in punitive damages. The entire complaint against all defendants will therefore be dismissed.

For the reasons stated herein, good cause therefor appearing, it is

ORDERED that the motion of all defendants to dismiss the complaint or, in the alternative, for summary judgment, should be, and it hereby is, granted, and it is

FURTHER ORDERED that the complaint should be, and it hereby dismissed with prejudice as to all defendants.

IT IS SO ORDERED.

John T. Young
United States District Judge

A true copy

Attest: Mark Schlechert, Clerk

Beatrice L. Rehling

By _____
Deputy Clerk

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MAR 29 9 20 AM 1976
U.S. ATTORNEY'S OFFICE
TOLEDO, OHIO

United States District Court

FOR THE

NORTHERN DISTRICT OF OHIO, WESTERN DIVISION

CIVIL ACTION FILE NO. C75-166

William S. Jordan

vs.

Delbert Latta, etc., et al.

JUDGMENT

This action came on for ~~trial~~ (hearing) before the Court, Honorable DON J. YOUNG- - - , United States District Judge, presiding, and the issues having been duly ~~tried~~
(heard) and a decision having been duly rendered,

It is Ordered and Adjudged that motion of all defendants to dismiss the complaint or, in the alternative, for summary judgment is hereby granted, and it is,

Further ORDERED that the complaint should be and hereby is dismissed with prejudice as to all defendants.

U.S. DISTRICT COURT
NORTHERN DISTRICT
TOLEDO, OHIO
CLERK

MAR 26 4 09 PM '76

FILED

Dated at Toledo, Ohio
of March , 1976.

, this 26th day

Mark Schlachet

Clerk of Court

BY Beatrice L. Reihing
Deputy Clerk

A true copy

Attest: Mark Schlachet, Clerk

Beatrice L. Reihing

By Beatrice L. Reihing
Deputy Clerk

RECEIVED
MAR 29 9 20 AM 1976
U.S. ATTORNEY'S OFFICE
TOLEDO, OHIO

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED

MAR 26 3 55 PM '76

William S. Jordan,
Plaintiff,
vs.
Delbert Latta, etc., et al.,
Defendants.

Clerk
U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT
OF OHIO
TOLEDO, OHIO

OPINION AND ORDER

YOUNG, J:

This cause came to be heard upon motion of defendants to dismiss the complaint for failure to state a claim upon which relief can be granted or, in the alternative, for summary judgment. See Rules 12(b)(6) and 56, Federal Rules of Civil Procedure.

Technically, since this motion is supported by matters outside the pleadings, including various affidavits, the Court is required to treat it as a motion for summary judgment. There are, however, numerous genuine issues as to material facts, thus precluding the possibility of summary disposition. Unfortunately, the motion is not that simple. The defenses of congressional, official and sovereign immunity are raised by the defendants and thus the key question to be decided at this time is whether the suit may be brought at all.

Plaintiff has sued the Honorable Delbert Latta, a member of the United States House of Representatives, two special agents of the Federal Bureau of Investigation and the United States of America. Jurisdiction is predicated upon 28 U.S.C. §§1331, 1343, and 1361, and plaintiff seeks relief pursuant to 28 U.S.C. §2201, Rule 65 Fed. R. Civ. P., and the First and Fourteenth Amendments to the United States Constitution. Plaintiff believes that the defendants have interfered with and violated his constitutionally protected right of freedom of the speech and his right to petition the government for a redress of grievances.

It is clear with respect to congressional immunity that if the doctrine applies, legislators are protected not only from the consequences of litigation but also from the burden of going through the process of defending themselves. Eastland v. United States Servicemen's Fund, 95 S.Ct. 1813 (1975) citing Dombrowski v. Eastland, 387 U.S. at 85 (1967). The Court, then, if it were to hold the doctrine applicable to the present case would have to dismiss as to the defendant Latta.

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The fact that certain acts are performed in an official capacity as senator or representative is not sufficient to make such acts legislative in nature. Id. The privilege has been extended to matters beyond pure speech and debate but "only when necessary to prevent the indirect impairment of such deliberations." Id. citing United States v. Doe, 455 F.2d at 760 (1st Cir. 1972).

This Court is of the opinion that the activities involved in this case fall within the legitimate legislative sphere of defendant Latta's duties as a congressman. He is, therefore, cloaked with congressional immunity and may not be questioned in this Court concerning said activities. Eastland, supra at 1820. Plaintiff came to defendant Latta seeking help with an employment problem. The congressman said he would try to help and accepted plaintiff's papers and documents. He turned said papers over to his staff for possible action. The staff examined the documents and consulted with the Assistant General Counsel for the Ohio area of the National Labor Relations Board and recommended that a formal charge be filed with the NLRB. A letter to this effect was apparently sent to plaintiff from defendant Latta's office. Before it was received, however, plaintiff again contacted the defendant by telephone. Mr. Jordan was upset that the matter had not been handled more promptly. Defendant Latta, in his

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It is clear that Mr. Latta's contact with the F.B.I. was not the result of a fear of adverse publicity or of losing votes. See affidavit of William Jordan filed August 11, 1975, p.4; affidavit of Latta, p.5. Rather, it was the fear that plaintiff was going to take matters into his own hands. At page 5 of his affidavit, Mr. William Jordan does not deny that he had threatened to take matters into his own hands, stating only that he had not threatened to do it through violent means. This is corroborated by the affidavit of the plaintiff's father, Garner Jordan, who states:

. . . nor did Williams S. Jordan at any time threaten to take matters into his own hands using physical violence against anyone. Affidavit of Garner Jordan filed Aug. 11, 1975, p.2.

It does not make any difference that plaintiff did not explicitly state that he would use force or violence to achieve his goals. Implicit in the statement that he would take care of matters his way is the likelihood that force or violence would be resorted to if necessary. Once the defendant Latta determined that plaintiff would resort to self-help, he had the right, if not the duty, as a federal officer, to contact the F.B.I. No sinister motives can be implied from such conduct.

This Court has no sympathy for people who take the law into their own hands. If such activity were to be condoned, there would be no necessity for congressmen or legislatures; for judges or courts. This Court is not willing to let the judicial branch of our government be used as a tool to justify and approve the deliberate circumvention of the legislative branch by resort to self-help. Mr. Latta was performing the legitimate legislative function of listening to and attempting to solve the problems of his constituency. He appears to have performed said function in an honest and sincere manner. In order to insure that he continues to perform said function independently, he must be protected from lawsuits of this nature. See United States v. Brewster, supra; Eastland v. United States, supra.

With regard to the F.B.I. agents who are defendants in this case, this Court finds that they were merely serving the defendant Latta in his legislative function and thus they are entitled to gain constitutional protection under Article I, §6, Cl. 1. Doe v. McMillan, 412 U.S. 306 (1972). Furthermore, since the United States has not consented to be

sued in this case, it must be dismissed as a defendant. Any reliance on 28 U.S.C. §1346 is misplaced if for no other reason than that the amount in controversy exceeds \$10,000.00. Plaintiff is suing for \$15,000.00 in compensatory damages and \$100,000.00 in punitive damages. The entire complaint against all defendants will therefore be dismissed.

For the reasons stated herein, good cause therefor appearing, it is

ORDERED that the motion of all defendants to dismiss the complaint or, in the alternative, for summary judgment, should be, and it hereby is, granted, and it is

FURTHER ORDERED that the complaint should be, and it hereby dismissed with prejudice as to all defendants.

IT IS SO ORDERED.

Henry T. Young
United States District Judge

A true copy

Attest: Mark Schlechert, Clerk

Beatrice L. Rothman

By
Deputy Clerk

62-116604 14

RECEIVED
MAR 29 9 20 AM 1976
U.S. ATTORNEY'S OFFICE
TOLEDO, OHIO

United States District Court

FOR THE

NORTHERN DISTRICT OF OHIO, WESTERN DIVISION

CIVIL ACTION FILE NO. C75-166

William S. Jordan

vs.

Delbert Latta, etc., et al.

JUDGMENT

This action came on for ~~trial~~ (hearing) before the Court, Honorable DON J. YOUNG

- - - - - , United States District Judge, presiding, and the issues having been duly ~~tried~~

(heard) and a decision having been duly rendered,

It is Ordered and Adjudged that motion of all defendants to dismiss the complaint or, in the alternative, for summary judgment is hereby granted, and it is,

Further ORDERED that the complaint should be and hereby is dismissed with prejudice as to all defendants.

FILED
MAR 26 4 09 PM '76
CLERK
U.S. DISTRICT COURT
NORTHERN DISTRICT
TOLEDO, OHIO

Dated at Toledo, Ohio
of March , 1976.

, this 26th day

Mark Schlachet

Clerk of Court

BY Beatrice L. Reihing
Deputy Clerk

A true copy

Attest: Mark Schlachet, Clerk

Beatrice L. Reihing

By Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED

MAR 26 3 55 PM '76

RECEIVED
MAR 29 9 20 AM 1976
U.S. ATTORNEY'S OFFICE
TOLEDO, OHIO

William S. Jordan,
Plaintiff,
vs.
Delbert Latta, etc., et al.,
Defendants.

CLERK
U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT
TOLEDO, OHIO
Civil No. C 75-166

OPINION AND ORDER

YOUNG, J:

This cause came to be heard upon motion of defendants to dismiss the complaint for failure to state a claim upon which relief can be granted or, in the alternative, for summary judgment. See Rules 12(b)(6) and 56, Federal Rules of Civil Procedure.

Technically, since this motion is supported by matters outside the pleadings, including various affidavits, the Court is required to treat it as a motion for summary judgment. There are, however, numerous genuine issues as to material facts, thus precluding the possibility of of summary disposition. Unfortunately, the motion is not that simple. The defenses of congressional, official and sovereign immunity are raised by the defendants and thus the key question to be decided at this time is whether the suit may be brought at all.

Plaintiff has sued the Honorable Delbert Latta, a member of the United States House of Representatives, two special agents of the Federal Bureau of Investigation and the United States of America. Jurisdiction is predicated upon 28 U.S.C. §§1331, 1343, and 1361, and plaintiff seeks relief pursuant to 28 U.S.C. §2201, Rule 65 Fed. R. Civ. P., and the First and Fourteenth Amendments to the United States Constitution. Plaintiff believes that the defendants have interfered with and violated his constitutionally protected right of freedom of the speech and his right to petition the government for a redress of grievances.

It is clear with respect to congressional immunity that if the doctrine applies, legislators are protected not only from the consequences of litigation but also from the burden of going through the process of defending themselves. Eastland v. United States Servicemen's Fund, 95 S.Ct. 1813 (1975) citing Dombrowski v. Eastland, 387 U.S. at 85 (1967). The Court, then, if it were to hold the doctrine applicable to the present case would have to dismiss as to the defendant Latta.

Article I, Section 6, Clause 1 of the United States Constitution states:

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their Respective Houses, and in going to and from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

As can be seen from a literal reading of the clause, it does not provide that a congressman may not be sued. Rather it has been construed to mean that senators and representatives may not be questioned in any other place, including the judicial forum, concerning activities which fall within the sphere of legislative activities. Eastland, supra at 1820 and the cases cited therein. The clause has always been given a very broad interpretation so that congressmen could perform their legislative function independently. United States v. Brewster, 408 U.S. 501 (1971); United States v. Johnson, 383 U.S. 169 (1966).

In determining whether particular activities other than literal speech and debate fall within the "legitimate legislative sphere," we look to see whether the activities are done in a Session of the House by one of its members in relation to the business before it. Eastland, supra at 1821 citing Kilbourn v. Thompson, 103 U.S. at 204 (1881).

Legislative acts are not all-encompassing. The heart of the Clause is speech and debate in either House. Insofar as the Clause is construed to reach other matters, they must be an integral part of the deliberative and communicative process by which members participate in the committee and House proceedings with respect to the consideration and passage or rejection of proposed legislation or with respect to other matters which the Constitution places within the jurisdiction of either House. Gravel v. United States, 408 U.S. 606, 625 (1971).

The fact that certain acts are performed in an official capacity as senator or representative is not sufficient to make such acts legislative in nature. Id. The privilege has been extended to matters beyond pure speech and debate but "only when necessary to prevent the indirect impairment of such deliberations." Id. citing United States v. Doe, 455 F.2d at 760 (1st Cir. 1972).

This Court is of the opinion that the activities involved in this case fall within the legitimate legislative sphere of defendant Latta's duties as a congressman. He is, therefore, cloaked with congressional immunity and may not be questioned in this Court concerning said activities. Eastland, supra at 1820. Plaintiff came to defendant Latta seeking help with an employment problem. The congressman said he would try to help and accepted plaintiff's papers and documents. He turned said papers over to his staff for possible action. The staff examined the documents and consulted with the Assistant General Counsel for the Ohio area of the National Labor Relations Board and recommended that a formal charge be filed with the NLRB. A letter to this effect was apparently sent to plaintiff from defendant Latta's office. Before it was received, however, plaintiff again contacted the defendant by telephone. Mr. Jordan was upset that the matter had not been handled more promptly. Defendant Latta, in his

affidavit (attached to motion filed July 3, 1975, p. 4-5) states that plaintiff told him that he would "get action alright, he was now going to take care of matters his way He said he was tired to getting the run around and was now going to take care of the matter himself and besides he was not going to vote for me." While plaintiff did not threaten the life of defendant Latta, he, according to Mr. Latta, did put the fear of God into him. (affidavit p. 5). The next day Mr. Latta contacted the F.B.I.

It is clear that Mr. Latta's contact with the F.B.I. was not the result of a fear of adverse publicity or of losing votes. See affidavit of William Jordan filed August 11, 1975, p.4; affidavit of Latta, p.5. Rather, it was the fear that plaintiff was going to take matters into his own hands. At page 5 of his affidavit, Mr. William Jordan does not deny that he had threatened to take matters into his own hands, stating only that he had not threatened to do it through violent means. This is corroborated by the affidavit of the plaintiff's father, Garner Jordan, who states:

. . . . nor did Williams S. Jordan at any time threaten to take matters into his own hands using physical violence against anyone. Affidavit of Garner Jordan filed Aug. 11, 1975, p.2.

It does not make any difference that plaintiff did not explicitly state that he would use force or violence to achieve his goals. Implicit in the statement that he would take care of matters his way is the likelihood that force or violence would be resorted to if necessary. Once the defendant Latta determined that plaintiff would resort to self-help, he had the right, if not the duty, as a federal officer, to contact the F.B.I. No sinister motives can be implied from such conduct.

This Court has no sympathy for people who take the law into their own hands. If such activity were to be condoned, there would be no necessity for congressmen or legislatures; for judges or courts. This Court is not willing to let the judicial branch of our government be used as a tool to justify and approve the deliberate circumvention of the legislative branch by resort to self-help. Mr. Latta was performing the legitimate legislative function of listening to and attempting to solve the problems of his constituency. He appears to have performed said function in an honest and sincere manner. In order to insure that he continues to perform said function independently, he must be protected from lawsuits of this nature. See United States v. Brewster, supra; Eastland v. United States, supra.

With regard to the F.B.I. agents who are defendants in this case, this Court finds that they were merely serving the defendant Latta in his legislative function and thus they are entitled to gain constitutional protection under Article I, §6, Cl. 1. Doe v. McMillan, 412 U.S. 306 (1972). Furthermore, since the United States has not consented to be

sued in this case, it must be dismissed as a defendant. Any reliance on 28 U.S.C. §1346 is misplaced if for no other reason than that the amount in controversy exceeds \$10,000.00. Plaintiff is suing for \$15,000.00 in compensatory damages and \$100,000.00 in punitive damages. The entire complaint against all defendants will therefore be dismissed.

For the reasons stated herein, good cause therefor appearing, it is

ORDERED that the motion of all defendants to dismiss the complaint or, in the alternative, for summary judgment, should be, and it hereby is, granted, and it is

FURTHER ORDERED that the complaint should be, and it hereby dismissed with prejudice as to all defendants.

IT IS SO ORDERED.

John T. Young
United States District Judge

A true copy

Attest: Mark Schlechet, Clerk

By Beatrice L. Rothling
Deputy Clerk

62-116404-14

F B I

Date: 4-24-75

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI

FROM: SAC, CLEVELAND (62-2373) (P)

DELBERT L. LATTA,
Congressman, 5th District of Ohio,
Bowling Green, Ohio
MISCELLANEOUS - INFORMATION CONCERNING

Re Cleveland nitels to Bureau, 4-15-75 and 4-22-75.

Forwarded herewith are three copies each of
Complaint and Summons pertaining to action filed in U.S.
District Court, Toledo, Ohio, 4-22-75, by plaintiff, [redacted]
[redacted] against Congressman LATTA and Special Agents
[redacted] and [redacted]

The Bureau will be kept informed of the develop-
ments in this matter.

2- Bureau (Enc. 6) (RM) ENC. BEHIND FILE
2 - Cleveland

LHP:nrb
(5)

*1cc encl.
Rm 7326 JFA*

EX-111
REC-69 62-116604-
4-27-75
14 APR 26 1975
LEGAL COUNSEL
JAM/SMDb6
b7Cb6
b7CApproved: [Signature]
Special Agent in Charge

Sent _____ M Per _____

MAY 21 1976

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NR 009 CV PLAIN

7:25 PM NITEL 5/15/75 SLO

MAY 15 1975

TELETYPE

Assoc. Dir.	_____
Dep.-A.D.-Adm.	_____
Dep.-A.D.-Inv.	_____
Asst. Dir.:	_____
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

DIRECTOR

FROM CLEVELAND (62-2373) (P)

ATTENTION: OFFICE OF LEGAL COUNSEL

VS DELBERT LATTA; SA

; AND UNITED STATES OF AMERICA; DOCKET NUMBER

675-166; CIVIL SUIT; OO: CLEVELAND.

REFERENCE CLEVELAND AIRTELS TO BUREAU, APRIL 24, 1975,
MAY 6, 1975.

ASSISTANT UNITED STATES ATTORNEY (AUSA)

TOLEDO, OHIO, ADVISED MAY 15, 1975, THAT ON APRIL 23, 1975, HE
FORWARDED A LETTER TO THE U.S. DISTRICT JUDGE (USDJ) ENCLOSING
COPIES OF THE SUMMONS AND COMPLAINT IN THIS MATTER AND THAT IN
RESPONSE HE HAS RECEIVED AUTHORIZATION TO REPRESENT DEFENDANTS
IN THIS CASE. SAID HE WAS REQUESTED BY HARLAND F.

LEATHERS, CHIEF OF GENERAL LITIGATIONS SECTION, CIVIL DIVISION,
USDJ, TO OBTAIN AN ORDER FROM THE U.S. DISTRICT COURT, TOLEDO,
FOR A 40-DAY EXTENSION IN WHICH TO ANSWER, AS SPECIAL AGENTS

WERE ACTING WITHIN THEIR
OFFICIAL CAPACITY AND ARE ENTITLED TO 60 DAYS TO RESPOND.

SAID HE HAS SIGNED A MOTION WITH THE COURT FOR

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61-116604-17
Dpt Latta
62-2373
10076
5/16/75
STEP

Dpt filed
request for
extension
5/16/75

LEGAL COUNSEL
JUN 1 1975

PAGE TWO CV 62-2373

AN EXTENSION OF TIME AND A FAVORABLE RULING WAS GIVEN MAY 15, 1975. HE SAID AN ORDER HAS BEEN ISSUED REQUIRING SAS [REDACTED] [REDACTED] TO GIVE A DEPOSITION TO [REDACTED] COUNSEL AT TOLEDO AT 8:30 A.M., MAY 21, 1975, STATING HE WOULD BE PRESENT DURING THE TAKING OF DEPOSITIONS AND WOULD APPRECIATE THE PRESENCE OF SA [REDACTED], LEGAL INSTRUCTOR ASSIGNED TO THIS CASE.

[REDACTED] SAID THAT IN HIS OPINION THE THRUST OF THIS CASE BY [REDACTED] IS AGAINST CONGRESSMAN DELBERT LATTA.

UNLESS ADVISED TO THE CONTRARY, SAS [REDACTED] [REDACTED] WILL ACCOMPANY AUSA [REDACTED] AND DEPOSITIONS WILL BE GIVEN BY SAS [REDACTED] AS ORDERED.

END

~~PLS ACK OFOR SEVEN TELS~~

~~HOLD FOR ONE~~

~~MAH FBIHQ ACK FOR SEVEN~~

~~HOLD-PLS~~

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NR 004 CV PLAIN

4:30 PM URGENT 5:20:75 GRB

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 19 1975

TELETYPE

Assoc. Dir. _____
Dep.-A.D.-Adm. _____
Dep.-A.D.-Inv. _____
Asst. Dir.:
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

TO: DIRECTOR

FROM: CLEVELAND (62-2373) (P)

ATTENTION: SA [REDACTED] OFFICE OF LEGAL COUNSEL

[REDACTED] VS. DELBERT LITTA; SA [REDACTED]

SA [REDACTED] UNITED STATES OF AMERICA; DOCKET NUMBER [REDACTED]

C 75-166; CIVIL SUIT; OO: CLEVELAND.

RE CLEVELAND TELETYPE TO THE BUREAU, MAY 15, 1975; AND
BUREAU TELEPHONE CALL TO TOLEDO, MAY 20, 1975.

AUSA [REDACTED] TOLEDO, OHIO, ADVISED MAY 20, 1975,

HE HAD CONFERRED WITH [REDACTED]

AND AGREEMENT REACHED TO POSTPONE DEPOSITIONS INDEFINITELY.

[REDACTED] MAY NOW ASK FOR INTERROGATORIES. NO DEFINITE DATE
SET.

THREE COPIES EACH OF AFFIDAVITS OF SRA JOHN J. BRENNAN,
SA [REDACTED] AND SA [REDACTED] ALL OF THE TOLEDO
RESIDENT AGENCY, BEING FORWARDED TODAY TO BUREAU, AIR MAIL,
SPECIAL DELIVERY, PER BUREAU'S REQUEST. REC-157

END

MAH FBIHQ ACKFOR ONE

WA CLR

APR 7 1976

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61 APR 20 1976

SI-111

LEGAL COUNSEL

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"TREAT AS ORIGINAL"
FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 18 1975

TO: DIRECTOR, FBI

TELETYPE

FROM: SAC, CLEVELAND (62-2373)

Attention: [redacted]

Legal Counsel

Office of [redacted]

Assoc. Dir.	_____
Dep.-A.D.-Adm.	_____
Dep.-A.D.-Inv.	_____
Asst. Dir.:	
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

Subject: [redacted]

VS

Delbert Latta,

SA [redacted]

SA [redacted]

CIVIL SUIT, Docket # C 75-166

Being forwarded are copies of affidavits of Special Agents

[redacted] and [redacted] Toledo, Ohio,

Said affidavits are on legal size paper and copies will be forwarded to the Bureau via airtel.

On 5/15/75, USDC Judge Don J. Young, NDO, WD, signed an order on motion of the defendants, extending the time to answer the complaint to June 20, 1975.

EX 103

REC-55

62-116604-19

5 APR 18 1975

ENCLOSURE

"ENCLOSURE ATTACHED"

57 APR 22 1976



ENCLOSURE

62-11604-19

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

William S. Jordan,

Plaintiff

vs.

Delbert Latta, individually)
and in his official capacity)
as a United States Congressman;)
[redacted], individually and)
in his official capacity as an)
agent for the Federal Bureau of)
Investigation; [redacted])
individually and in his official)
capacity as an agent for the)
Federal Bureau of Investigation;)
and United States of America)

Docket No. C 75-166

AFFIDAVIT OF SPECIAL
AGENT [redacted]
FBI

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b7C

Defendants

State of Ohio)) ss:
Lucas County)

The undersigned being duly sworn deposes and says:

1. The affiant has read and is familiar with the allegations in the complaint of William S. Jordan filed with the United States District Court, Northern District of Ohio, Western Division, on April 22, 1975, naming affiant as a defendant.
2. Affiant is employed as a Special Agent of the Federal Bureau of Investigation at Toledo, Ohio, and was so employed during April, 1975, and as such, conducted investigations in Toledo, Ohio, and in adjacent counties, including Paulding County, Ohio.

3. Affiant, as a Special Agent of the Federal Bureau of Investigation, along with Special Agent [REDACTED] Federal Bureau of Investigation, contacted plaintiff Jordan at his, Jordan's home at Cecil, Ohio, Paulding County, on April 14, 1975, this contact being made to determine if plaintiff Jordan had or was, contemplating a violation of Title 18, Sections 1951, 351, United States Code.

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4. Affiant states that during this interview with plaintiff Jordan that Mr. Garner (Jack) Jordan, plaintiff's father, was present and can verify that affiant did not threaten plaintiff Jordan, did not harass him in any way, nor attempt to interfere with plaintiff's right to petition his government.

5. Affiant states this interview with plaintiff Jordan was based on information received that Jordan was involved in a dispute with his employer, a common carrier involved in interstate commerce, and had stated, amongst other statements, to defendant Delbert Latta, that if he, plaintiff, could not obtain immediate satisfaction of his objectives he would take matters into his own hands. Affiant states that based on plaintiff's statements to defendant Latta, that affiant had good cause to and did reasonably believe that plaintiff Jordan was contemplating violence and had acted in such manner that threats or violence could reasonably be expected.

6. Affiant further deposes and says that in the interview with plaintiff Jordan concerning this matter, which affiant estimates took approximately fifteen minutes, that no statement was made to Jordan that defendant Latta had alleged that he, Jordan, had put any undue pressure on him.

7. Affiant denies that any of his actions in this matter were prompted in any way because of any "undue pressure" as alleged by plaintiff and states this inquiry was made to determine if a violation of federal law had been or was about to be committed. Affiant states he was in the presence of the plaintiff for approximately one hour on April 14, 1975;

however, the last approximately forty-five minutes of this period of time was devoted to listening to plaintiff complaining about his labor union and working conditions.

8. Affiant specifically denies that he indicated in any way to plaintiff that his difficulties should be kept quiet

or from the press or that he in any manner attempted to deny the plaintiff his right to contact anyone.

9. Affiant specifically denies that he was in possession of any information that would indicate that defendant Latta had alleged that plaintiff had exercised any undue pressure or that defendant Latta had, in any way, attempted to deny to plaintiff his right to petition his government.

10. Affiant also denies that any of his actions caused any harm to plaintiff and further denies that plaintiff is being denied his right to contact his United States Congressman.

Affiant specifically denies that any of his actions were harassment of plaintiff and further denies any intention of harassment in the past, present or future.

11. Affiant specifically denies that his contact with the plaintiff on April 14, 1975 was in violation of plaintiff's right to petition his government.

12. Affiant denies any damages to the plaintiff and specifically denies damages exceeding \$10,000 were caused to the plaintiff.

13. Affiant hereby states that his contact with the plaintiff was in accordance with his duties and within the scope of his employment as a Special Agent of the Federal Bureau of Investigation and was caused by his duty to determine if plaintiff was in violation of federal law.

14. Affiant states that all of his actions in connection with the plaintiff were based upon reasonable grounds and good faith and that all of his actions were reasonable.

[Redacted]
[Redacted] Special Agent,
Federal Bureau of Investigation

Sworn to and subscribed before me on this 18th day of May,
1975, at Toledo, Ohio.

Elizabeth H. Baren
Notary Public, Lucas County, Ohio
Elizabeth H. Baren
My Commission Expires April 4, 1979

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

William S. Jordan,

Plaintiff

vs.

Delbert Latta, individually
and in his official capacity
as a United States Congressman;
[redacted] individually and
in his official capacity as an
agent for the Federal Bureau of
Investigation; [redacted]
individually and in his official
capacity as an agent for the
Federal Bureau of Investigation;
and United States of America

Docket No. C 75-166

AFFIDAVIT OF SPECIAL
AGENT [redacted]
FBI

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b7C

Defendants

State of Ohio)
) ss:
Lucas County)

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3. Affiant, as a Special Agent of the Federal Bureau of Investigation, along with Special Agent [REDACTED] Federal Bureau of Investigation, contacted plaintiff Jordan at his, Jordan's home at Cecil, Ohio, Paulding County, on April 14, 1975, this contact being made to determine if plaintiff Jordan had or was, contemplating a violation of Title 18, Sections 1951, 351, United States Code.

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however, the last approximately forty-five minutes of this period of time was devoted to listening to plaintiff complaining about his labor union and working conditions.

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or from the press or that he in any manner attempted to deny the plaintiff his right to contact anyone.

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13. Affiant hereby states that his contact with the plaintiff was in accordance with his duties and within the scope of his employment as a Special Agent of the Federal Bureau of Investigation and was caused by his duty to determine if plaintiff was in violation of federal law.

14. Affiant states that all of his actions in connection with the plaintiff were based upon reasonable grounds and good faith and that all of his actions were reasonable.

[REDACTED]
[REDACTED] Special Agent,
Federal Bureau of Investigation

Sworn to and subscribed before me on this 18th day of May,
1975, at Toledo, Ohio.

Elizabeth H. Baran
Notary Public, Lucas County, Ohio
Elizabeth H. Baran
My Commission Expires April 4, 1979

62-116604-19

F B I

Date: 4-24-75

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI
 ATTENTION: OFFICE OF LEGAL COUNSEL
 FROM: SAC, CLEVELAND (62-2373) (P)

"CHANGED" (1)

[redacted] plaintiff, vs
 DELBERT LATTIA, individually and
 in his official capacity as
 U.S. Congressman;

[redacted] individually and
 in his official capacity as an
 Agent for the Federal Bureau
 of Investigation;

[redacted] individually and
 in his official capacity as an
 Agent for the Federal Bureau
 of Investigation, and
 U.S. OF AMERICA;
 Northern District of Ohio,
 Western Division,
 Docket Number C75-166
 CIVIL SUIT

OO: CLEVELAND

Title is marked changed to reflect the case
 caption as filed by plaintiff in the USDC, Western Division,
 Northern District of Ohio, Toledo, Ohio.

Re Cleveland airtel to Bureau, 4-24-75, captioned
 "DELBERT L. LATTIA, Congressman, 5th District of Ohio, Bowling
 Green, Ohio; MISCELLANEOUS - INFORMATION CONCERNING."

2 - Bureau
 2 - Cleveland

TRM:nrb
 (4)

REC-86

CH 43

APR 25 1975

4-24-75
 APR 28 1975

LEGAL COUNSEL
 J. A. T. R.

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 b7C

b6
 b7C

APR 23 1975

Approved: _____

Sent _____ M Per _____

Special Agent in Charge

CV 62-2373

For information of Bureau, three copies of complaint and summons were forwarded to Bureau via referenced airtel.

On 4-22-75, U.S. Marshal, Toledo, Ohio, personally served SA's [] and [] with above summons and complaint.

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Both SA's [] and [] will submit individual letters to the Attorney General requesting representation by the Department of Justice.

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The summation for the Bureau's response and LHM will be submitted by Cleveland by 4-30-75, as well as above letters by above Agents to the Attorney General.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NR 005 CV PLAIN

APR 22 1975

855PM

URGENT APRIL 22, 1975 MJB

TELETYPE

TO: DIRECTOR

FROM: CLEVELAND (62-2373)

CONGRESSMAN DELBERT L. LATTA, FIFTH DISTRICT OF OHIO, BOWLING
GREEN, OHIO; MISCELLANEOUS INFORMATION CONCERNING:

RE CLEVELAND TELETYPE TO BUREAU, APRIL 15, 1975.

REFERENCED TELETYPE REFLECTS BASIS OF CONTACT WITH

[REDACTED] APRIL 14, 1975 BY SA'S

[REDACTED] AND [REDACTED]

ON APRIL 22, 1975, SA'S [REDACTED] WERE SERVED WITH
A SUMMONS FROM USDC, NDO, WESTERN DIVISION, TOLEDO, OHIO,
REQUIRING THEY ANSWER THE COMPLAINT OF PLAINTIFF [REDACTED]

[REDACTED] FILED BY HIS COUNSEL, TED IORIO, TOLEDO, OHIO.

CO-DEFENDENTS IN THIS ACTION ARE CONGRESSMAN DELBERT LATTA AND
THE U.S. GOVERNMENT.

PLAINTIFF, IN ESSENCE, ALLEGES HIS RIGHTS UNDER FIRST
AND FOURTEENTH AMENDMENTS HAVE BEEN INTERFERED WITH IN THAT
CONGRESSMAN LATTA'S ACTIONS IN UTILIZING THE FBI WERE MEANT
TO CURTAIL [REDACTED] RIGHT TO PETITION THE GOVERNMENT. [REDACTED]
CLAIMS THAT AT NO TIME DID HE THREATEN OR PUT UNDUE PRESSURE
ON CONGRESSMAN LATTA AND THAT CONGRESSMAN LATTA'S UTILIZATION
OF THE FBI IS MEANT TO HARASS [REDACTED] IS SEEKING

Assoc. Dir.	_____
Dep. A.D. Adm.	_____
Dep. A.D. Inv.	_____
Asst. Dir.:	
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

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SEP 2 1976

LEGAL COUNSEL

PAGE TWO CV 62-2373

DAMAGES TOTALING \$115,000.

AUSA. [REDACTED] TOLEDO, OHIO, ON BEHALF OF THE
U.S. GOVERNMENT, ALSO RECEIVED A COPY OF COMPLAINT AND
SUMMONS APRIL 22, 1975 AND HAS NOTIFIED THE DEPARTMENT AND
CONTEMPLATES PREPARING A TIMELY ANSWER IN RESPONSE TO THIS
COMPLAINT DENYING ALL ALLEGATIONS.

BY SEPARATE COMMUNICATION, THREE COPIES OF THE
SUMMONS AND COMPLAINT ARE BEING FORWARDED THE BUREAU.

END

ACK FOR 2

TJT FBI WASH DC CLR

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"TREAT AS ORIGINAL"FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTIONDate: 4-15-75
APR 15 1975

PLAINTEXT

(Type in plaintext or code)

TELETYPE

HITEL

(Priority)

Transmit the following in _____

Via TELECOPIER

Assoc. Dir.	_____
Dep.-A.D.-Adm.	_____
Dep.-A.D.-Inv.	_____
Asst. Dir.:	_____
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Insp. & Det.	_____
Intell.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

TO DIRECTOR, FBI

FROM CLEVELAND (62-1552)(P)

CONGRESSMAN DELBERT L. LATTA, FIFTH DISTRICT OF OHIO,
MISCELLANEOUS INFORMATION CONCERNING

ON APRIL 12, 1975, CONGRESSMAN DELBERT L. LATTA, RESIDENCE
BOWLING GREEN, OHIO, ADVISED THAT ABOUT ONE WEEK AGO, A MATTER
WAS BROUGHT TO HIS ATTENTION BY [REDACTED]
WITH REGARD TO ALLEGED UNFAIR LABOR PRACTICES ON THE PART OF
[REDACTED] EMPLOYER, A [REDACTED]

[REDACTED] SPOKE WITH HIM ON THE TELEPHONE AND LATER VISITED HIS
HOUSE WITH A WRITTEN REPORT OF HIS GRIEVANCES. LATTA STATED
THE MATTER APPEARED TO WARRANT FILING A COMPLAINT WITH ELRB, AND
TOLD [REDACTED] HE WOULD HANDLE THIS. LATTA HAS RECEIVED SEVERAL
TELEPHONE CALLS FROM [REDACTED] INDICATED DIS-
SATISFACTION WITH PROGRESS BEING MADE IN THIS MATTER AND
STATED HE WOULD TAKE MATTERS INTO HIS OWN HANDS. [REDACTED] WAS
VERY HOSTILE AND ANTAGONISTIC, WHICH CAUSED SOME ALARM TO
LATTA. [REDACTED] MADE NO THREATS, HOWEVER, LATTA FEELS HE MIGHT
BE VIOLENCE PRONE AND FELT MATTER SHOULD BE BROUGHT TO THE
ATTENTION OF THE FBI.

LHP:HTB

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11 EXT. R.F. (APR 15 1975)

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FBI

Date:

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(Type in plaintext or code)Via _____
(Priority)

PAGE TWO CV 62-NEW

EFFORTS TO REACH [REDACTED] APRIL 12, 1975 UNSUCCESSFUL.

[REDACTED] NOT KNOWN TO LOCAL AUTHORITIES, [REDACTED] AND
WAS DETERMINED MOVED TO [REDACTED] *RT. 1* *SCAN#* *DOB:* [REDACTED]ON APRIL 14, 1975, [REDACTED] INTERVIEWED
BY AGENTS AND FOLLOWING INFORMATION FURNISHED BY [REDACTED] *Jordan*HE IS AGE [REDACTED] TWO
YEARS AGO, AFTER [REDACTED][REDACTED] SUBSEQUENTLY, HE
[REDACTED] AND
UNTIL RECENTLY, WAS GIVEN SUFFICIENT WORK BY [REDACTED] TO EARN
A GOOD INCOME. IN JULY, 1974, [REDACTED][REDACTED]
[REDACTED]
[REDACTED]
CONSEQUENTLY, HE AND [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED][REDACTED] DECIDED TO SEEK SERVICES OF CONGRESSMAN LATTA
AND ON APRIL 4, 1975, TELEPHONED LATTA'S RESIDENCE AND
DISCUSSED THE PROBLEM. LATTA REQUESTED HE REDUCE COMPLAINT
TO WRITING AND RETURN IT TO HIM. ON APRIL 6, 1975, HEb6
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(Priority)PAGE ~~SEVEN~~ OF 62-NEW

DELIVERED WRITTEN REPORT TO LATTA IN BOWLING GREEN. LATTA ASSURED HIM HE WOULD TAKE CARE OF THE MATTER AND TOLD HIM NOT TO WORRY ABOUT IT. ON APRIL 8, 1975, HE TELEPHONED LATTA AT HIS WASHINGTON, D.C. OFFICE, INQUIRING WHAT ACTION HAD BEEN TAKEN. LATTA, AT FIRST, SEEMED NOT TO RECALL [] NAME FOR CIRCUMSTANCES OF COMPLAINT, WHICH UPSET [] AND CAUSED HIM TO DOUBT LATTA WAS SERIOUSLY ATTEMPTING TO ASSIST HIM. LATTA AGAIN STATED HE WAS HANDLING THE MATTER.

BECAUSE THE SITUATION APPEARED TO WORSEN, HE AGAIN TELEPHONED LATTA AT HIS RESIDENCE ON APRIL 11, 1975 AND INFORMED HIM OF THE LATEST DEVELOPMENTS AND INQUIRED WHAT LATTA HAD ACCOMPLISHED FOR HIM. THEIR CONVERSATION WAS HEATED AT TIMES, AND [] ADMITTEDLY ACCUSED LATTA OF NOT ACTING PROMPTLY. HE TOLD LATTA HE WOULD TAKE HIS STORY TO THE NEWS MEDIA AND MENTION LATTA'S LACK OF ATTENTION TO HIS COMPLAINT. HE ALSO TOLD LATTA HE WOULD REMEMBER "ALL LATTA HAD DONE FOR HIM AND HIS FELLOW TRAVELERS" NEXT VOTING TIME.

[] ADMITTED PROBABLY HAD BEEN UNFAIRLY FORCEFUL IN HIS REMARKS TO LATTA AND REALIZES HE MADE SOME UNFAIR STATEMENTS AND ACCUSATIONS. HE STATED HE WOULD NOT CONSIDER USING

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FBI

Date:

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(Type in plaintext or code)Via _____
(Priority)

PAGE FOUR CV 62-NEW

PHYSICAL FORCE OR OTHER VIOLENT ACTS AGAINST LATTA OR ANYONE
ELSE.

[] IS DESCRIBED AS A WHITE MALE, BORN []
[] 5'11", 170 POUNDS, BROWN HAIR AND EYES, SSAN []
ADDRESS []

AUSA, TOLEDO, OHIO, ON APRIL 14, 1975, ADVISED FACTS
OF THIS MATTER DO NOT CONSTITUTE A VIOLATION AND PROSECUTIVE
ACTION NOT WARRANTED. THE ABOVE BEING
BROUGHT TO BUREAU'S ATTENTION
IN CASE OF ANY INQUIRY.

END:

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